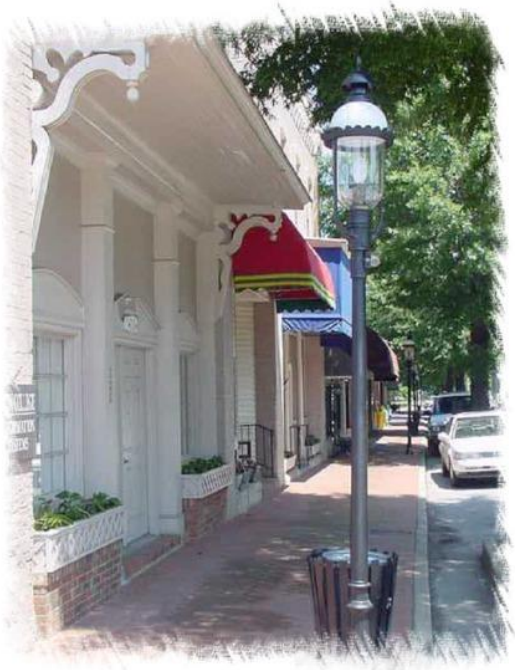

TOWN OF ELON
LAND DEVELOPMENT ORDINANCE

December 2004
(Amended 9/14/2021)

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December 2004

Piedmont Triad Council of Governments

Town of Elon
Land Development Ordinance

The Town of Elon Land Development Ordinance was developed with the cooperation of the citizens of Elon, the Board of Aldermen, the Town Planning and Zoning Board, and Town staff. This ordinance serves as a guide for the community in making land development decisions and to help provide for the orderly growth and development of the Town. The ordinance will be reviewed and revised periodically by the Board of Aldermen, as conditions within the Town's planning jurisdiction change over time.

Elon adopted the Town of Elon Land Development Plan in 2002. The plan provides a vision for future development that accommodates physical and economic expansion, while protecting the community's valuable natural, cultural, and historic assets. As growth is managed in accord with this vision, well-planned land development will maintain and enhance Elon's traditional character. As a tool for implementing the plan, this ordinance provides flexible regulations and incentives that respect private property rights while encouraging growth that maximizes the Town's investment in infrastructure and protects key conservation areas. This ordinance calls for detailed site analyses of proposed land development projects to make sure they are properly located and fit the natural landscape and existing surrounding uses. Detailed design guidelines are provided to encourage the development of inter-connected, pedestrian-friendly neighborhoods with a good mixture of land uses and vibrant streetscapes and open spaces.

To address and prevent the negative consequences of conventional development patterns, this ordinance draws from a variety of modern "new urbanist" development regulations adopted by small communities throughout North Carolina – especially the Towns of Davidson, Cornelius, Huntersville, Mocksville, and Franklinville. This ordinance goes beyond providing the minimum regulations necessary to facilitate safe and orderly growth, by advocating more traditional and sustainable planning and development practices that encourage the types and patterns of land development that will preserve and enhance what is best about the community. Through careful planning, future growth will be integrated into the fabric of the community to form coherent, functional neighborhoods and activity centers; to increase community security and identity; to enhance quality of life; and to encourage greater economic, aesthetic and social benefits for all residents.

Adopted this 14th day of December, 2004 by the Elon Board of Aldermen.

Sabrina Oliver, Town Clerk

Beth Schmidt, Mayor

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INTRODUCTION

Ordinance Purpose *(Amended 6/15/2021)*

The Town of Elon, North Carolina adopted the *Town of Elon Land Development Plan* during the summer of 2002. The plan contains a broad range of goals and policies regarding land development in and around the town. The Land Development Plan serves as a guide for the future growth of our community into the 21st Century. In accordance with North Carolina General Statute 160D-701, the purpose of this land development ordinance is to implement the goals and policies of the Elon Land Development Plan, designed to:

- lessen congestion in the streets
- secure safety from fire, panic, and other dangers
- promote the health, safety, morals, and general welfare
- provide adequate light and air
- prevent overcrowding of land
- avoid undue concentration of population
- facilitate the efficient and adequate provision and economic provision of transportation, water, sewerage, schools, parks, and other public requirements
- conserve the value of buildings
- encourage the most appropriate use of land within the Town's corporate limits and its extraterritorial planning and zoning jurisdiction.

Community-Building Principles

According to the 2000 Census, Elon's current population is 6,738. Nearly half (45%) of the Town's residents (4,300) were students enrolled at Elon University. Elon is primarily a university and residential community. If the Town continues to grow at the same rate that it grew during the 1990s, it could have a population of 7,500 to 8,500 by 2010 and 9,000 to 10,200 by the year 2020.

Elon's Town limits are adjacent to the City of Burlington on the east and south, and adjacent to the Town of Gibsonville on the west. Therefore, most of the Town's future growth is likely to occur north of the town's existing limits in its extra-territorial jurisdiction (ETJ) and future growth area. Recent construction of the Elon By-Pass will also have a major impact on the amount and type of growth in and around Elon. As the Town continues to grow and become more densely settled, it will be increasingly important to manage growth wisely, to maintain the small-town character, charm, and high quality of life of our community.

Elon adopted the Town of Elon Land Development Plan in 2002. The plan provides a vision for future development that accommodates physical and economic expansion, while protecting the community's valuable natural, cultural, and historic assets. As growth is managed in accordance with this long-range vision, Elon will encourage and guide well-planned land development and infrastructure that maintains and enhances its traditional character. The plan identifies the environmental and physical design characteristics that contribute to the uniqueness and quality of life that our citizens want to conserve and improve. The plan also provides the following community-building principles outlining the Town's desire to move away from conventional growth patterns, and toward a more sustainable model that emphasizes the function, aesthetic character, fit, and livability of new land development in Elon:

1. Move away from…linear strip development along major thoroughfares.
   Move toward…activity centers as community focal points with attributes of a traditional downtown at a smaller scale.
2. Move away from…unconnected roads that concentrate traffic on major thoroughfares.
   Move toward…an interconnected network of roads – to avoid cul-de-sacs, disperse traffic, lessen congestion, and provide a variety of route choices for greater access & mobility.
3. Move away from…the strict separation of urban uses into bland, single-use pods.
   Move toward…mixed-use development providing a variety of housing types and transportation options, reducing traffic, and creating more interesting and lively places to live and work.
4. Move away from…conventional development in which urban uses are spread evenly across the landscape regardless of environmental constraints.
   Move toward…clustering new land development in the most buildable (upland) areas, maintaining the lower-lying water-gathering slopes as green space to filter runoff, minimize erosion and flooding, provide open land for people and wildlife, and to create a desirable physical environment in which to live and work. Maintain the open land along stream corridors (both public and private), to serve as a continuous backdrop for the more urban parts of our town, and provide a buffer of natural vegetation to slow and filter runoff from buildings, streets and lawns, before it enters streams.

Land Development Vision

Proper planning and regulation of land development is the duty of all communities that care about providing a high quality of life for their citizens. Our challenge as a small town is to regulate land development to preserve and enhance what is best about Elon, while encouraging the creation of new, more livable neighborhoods. The original intent of most land development ordinances was to protect the public health, safety and welfare by regulating parcel size and building setbacks. Over time the primary aim of conventional zoning ordinances has become the segregation of conflicting uses, by dividing a jurisdiction into zones based on present and desired future uses. By protecting existing conditions, community planners have sought to protect the future value of property and give homeowners greater peace of mind. Conventional zoning ordinances usually consist of “allowable use” lists and maps which specify, for instance, that single-family residences, schools and churches are compatible and can be located in the same planning district, but commercial and industrial uses are inappropriate or disruptive and must be put in another section of the community. In rural areas, on the other hand, distance theoretically buffers incompatible uses.

No town intends to make its community into a bland suburb. However, many conventional zoning and subdivision ordinances produce exactly that outcome, allowing the systematic conversion of most buildable land into standardized subdivisions of residential lots and streets with little or no open space or other neighborhood amenities.

The Town Board of aldermen provided the Land Development Plan Advisory Committee with the following mission statement: "*The Town of Elon desires to build upon its distinguished heritage by providing for responsible growth while maintaining its small town characteristics*." Advisory Committee members reviewed a wide range of factual information about Elon's demographics, urban services, and environmental growth factors. The Committee used this factual data to establish the following vision statement describing the kind of community the Town of Elon would like to become over the next 10 to 15 years:

A Vision for Elon in the Year 2015

Elon has experienced substantial growth over the last 10 to 15 years. However, the Town's commitment at the turn of the century to well-planned, quality growth has enabled our community to manage this growth wisely. The appropriate quantity, location, and quality of new land development during the past decade has maintained and enhanced our Town's environment and high quality of life.

In the year 2010, the Town continues to enjoy its small town character and charm. In fact, as the Town has grown over the last decade, an even stronger sense of community has been built – Elon has become an even better place to live and work. The downtown area has become the center of community activity. New shops, services, restaurants, offices, apartments, and public spaces have transformed downtown into a lively, pedestrian-friendly destination for Town residents, students, and visitors. New business and office uses are clustered at interchanges along the by-pass and other key intersections. Each new mixed-use activity center has been carefully designed to preserve and blend with the character of surrounding neighborhoods, and our Town as a whole. Careful attention has been paid to maintaining and improving the scenic quality of entrance roads throughout our community

Elon's Land Development Plan has helped the Town develop into a more livable and walkable community. New neighborhoods have a more compact development pattern, and include a wider mix of housing types to accommodate the diversity of our community's residents. Most new neighborhoods incorporate many of the traditional design features found in the more historic parts of communities, including narrower streets, lamp posts, sidewalks, planting strips, street trees, front porches, rear garages, alleys, corner stores, and smaller lots. These features help to maintain and enhance Elon's small town character. Both new and old neighborhoods throughout Elon are linked to one another, and to other parts of Town by a network of roads, bike paths, sidewalks, and greenways. Excellent public infrastructure and services are provided at a reasonable cost. Residents enjoy access to a variety of public green spaces, a less cluttered and more attractive townscape, and a more pedestrian-friendly environment.

Land Development Goals and Policies

To help achieve the Town's future growth vision, the following goals and policies were established. They represent community ideals for how the Town should grow. **Goals** represent what the Town would like to accomplish. **Policies** are officially adopted positions, and provide guidance for evaluating and making decisions concerning future land development proposals.

Growth Management

GOAL: Carefully manage growth, making smart growth decisions that maintain our small-town characteristics, strategically locate new land development in the most appropriate places, reduce costly suburban sprawl, use existing infrastructure investments efficiently, protect environmental resources, and preserve open space.

POLICIES:

1.1 Manage land use patterns along major roads to maintain thoroughfare safety and function, to encourage a welcoming, aesthetically pleasing, parkway environment, and to prevent ugly strip development.

1.2 Preserve, invest in, and expand our downtown to create a vibrant community-wide activity center that is pedestrian-friendly and includes a variety of services, shops, restaurants, offices, and public spaces.

1.3 Identify appropriate locations for the development of new activity centers, to create attractive, pedestrian-friendly centers for community life, containing a variety of shops, civic, office, and residential uses within convenient walking distance of existing and future neighborhoods.

1.4 Conveniently locate commercial land uses that fit our small town scale & character.

1.5 Allow for a modest increase in industrial land uses in the most appropriate places, to help bolster our tax base and provide convenient local jobs, but make sure we continue to protect the value of surrounding properties & neighborhoods through site design requirements such as buffers, setbacks, and landscaping.

1.6 Encourage the development of office land uses in convenient locations above shops and in pedestrian-friendly activity centers, to reduce traffic and build a greater sense of community.

1.7 Encourage institutional and civic land uses (including schools, churches, libraries, YMCAs, fire stations, post offices, arts centers, and parks) to be located on important or prominent sites, to add value and pride to neighborhoods, and to serve as community landmarks and focal points.

1.8 Encourage new residential development to be pedestrian friendly and well connected to the rest of the community, providing a range of opportunities for adequate, affordable, quality housing for all residents and a wider variety of housing types.

1.9 Continue to value, preserve, and enhance existing neighborhoods and encourage compatible infill development that fits with and adds value to existing neighborhoods.

1.10 Encourage the development of new neighborhoods that add to the livability and small town character of Elon by providing a walkable, mixed-use, pedestrian-friendly environment.

1.11 Make sure that open space, parks & squares are part of every new neighborhood, and that these amenities are well connected by greenways, sidewalks, and bike lanes, and added to existing neighborhoods where appropriate and feasible.

1.12 Carefully balance individual property rights with the good of the whole community by expecting new development to use the best design features of favorite existing areas.

1.13 Encourage alternative types & patterns of development (mixed-use, cluster, PUD, TND) to reduce traffic, and to increase a sense of community and convenience.

Planning Coordination

GOAL: Build strong internal relationships by coordinating and cooperating with key community institutions.

POLICIES:

2.1 Make sure University growth maintains our small town character, and matches our Town's ability to provide services and infrastructure.

2.2 Encourage University development that keeps Town entrances aesthetically pleasing, includes pedestrian connections throughout Town (walking paths, sidewalks, bike paths, and greenways), and that creates a strong sense of community and adds to the Town's quality of life.

2.3 Include University faculty, staff, and students, and Elon Homes Staff and Clients in Town planning, decision-making, and events, as a vital part of community life.

2.4 Work cooperatively with all our key institutions, local businesses and industries to expand downtown amenities and services (pharmacy, grocery store, etc.), to create jobs, to maintain a strong tax base, to ensure new development that fits our small town character, and to prevent "hamburger row" strip development.

GOAL: Build strong external relationships by coordinating and cooperating with surrounding jurisdictions (Burlington, Gibsonville, Alamance County).

2.5 Use the Town's common ETJ boundary with Gibsonville, its "Annexation Line of Agreement" with Burlington, and its common Town limit lines with both municipalities, to identify Elon's existing municipal services area, future growth areas, and rural and resource conservation areas.

2.6 Identify the best places for future growth and expansion along the town's borders.

2.7 Identify the best places for rural and resource conservation to preserve as farmland and green space.

2.8 Take into account & coordinate with land development plans and policies for Gibsonville, Burlington & Alamance County.

Quality of Life / Environmental Stewardship

GOAL: Carefully preserve Elon's Environmental Resources.

3.1 Maintain and improve our air quality by encouraging clean industry, discouraging noxious uses such as hog farms, and by following smart growth principles that encourage pedestrian-friendly, mixed-use land use patterns, more sidewalks, bike lanes & greenways, interconnected street patterns, and open space (cluster) development (like Twin Lakes) in rural conservation areas.

3.2 Maintain and improve our water quality by establishing riparian buffers along all streams and creeks, encouraging cluster development in rural conservation areas, adopting low-impact design guidelines, implementing phase II storm water regulations, and by coordinating our growth management efforts with surrounding jurisdictions.

3.3 Preserve our community's natural & cultural resources (lakes, streams, vegetation, wildlife, family farms, historic sites, etc.) as public resources from which the whole community can enjoy and benefit.

3.4 Continue to add community amenities (public buildings and squares, parks and green spaces, sidewalks, greenways, nature trails, bike lanes, etc.) as we continue to grow.

3.5 Provide abundant open space & recreational opportunities throughout the community.

GOAL: Carefully preserve Elon's Small Town Character.

3.6 Maintain and build our image as a charming University town, and use it as a selling point to encourage appropriate economic development.

3.7 Maintain the "village" concept as new land development occurs.

3.8 Create a strong sense of community with each new piece of the "land development puzzle".

3.9 Maintain the high quality of life in Elon as new land development occurs.

3.10 Maintain high quality development as the expected norm, to prevent future problems & obsolescence.

Public Services & Infrastructure

GOAL: Provide adequate Public Services.

4.1 Make sure our public safety system (law enforcement, fire protection, tele-communications) keeps pace with growth, adding a sub-station, equipment, and staff as needed.

4.2 Encourage the appropriate location of schools and other civic uses, to complement other growth management and community-building goals.

4.3 Make sure our parks, recreation & open space system keeps pace with growth, adding a variety of active and passive new parks & programs as needed.

4.4 Make sure our parks, recreation & open space system becomes in integral part of our community as each new neighborhood is developed, and that each component is well connected through a network of sidewalks, bike lanes, walking trails, and greenways.

GOAL: Provide adequate Public Infrastructure.

4.5 Make sure our water sources and delivery system keep pace with our growth, adding capacity (distribution pipes) as needed to support development in the most appropriate locations.

4.6 Make sure our sewer collection and treatment system keeps pace with our growth, adding capacity (new pump stations & force mains, gravity collection pipes) as needed to support development in the most appropriate locations.

4.7 Make sure our transportation system keeps pace with growth, adding capacity to support development in the most appropriate locations, to decrease congestion, and to increase accessibility and mobility for people and goods.

4.8 Make sure our transportation system includes a variety of alternative transportation options including sidewalks, bike lanes, walking trails, greenways, transit (local & regional), para-transit, as well as roads & the by-pass, and that it supports alternative land use patterns such as Traditional Neighborhood Developments (TNDs) and Transit Oriented Developments (TODs).

4.9 Make sure new land development along the Elon By-pass (and along other new major roads) builds on our Town's distinguished heritage, maintains our small town character, preserves our most cherished natural and cultural resources, enhances our quality of life, and fits our ability to provide adequate public services and infrastructure.

CHAPTER 1 – Authority and Applicability

1.1 Title

This ordinance is officially titled “The Land Development Ordinance of the Town of Elon, North Carolina,” and will be known as the “Land Development Ordinance.” The official map designating the various planning districts will be titled, “Town of Elon Land Development Ordinance Map,” and will be known as the “Land Development Ordinance Map.”

1.2 Purpose and Intent

The purpose of this Ordinance is to establish an orderly process for the design, review, approval, and development of land within the jurisdiction of the Town of Elon. The intent of this Ordinance is to provide a clear and straightforward process that is fair and equitable to all interests including the petitioners, affected neighbors, Town staff and related agencies, the Planning Board, and the Town Board of Aldermen. It is the intent of this Ordinance to ensure that development occurs in a manner generally harmonious with surrounding properties and without the endangerment of the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public.

1.3 Authority *(Amended 6/15/2021)*

Planning provisions enacted within this ordinance are authorized under North Carolina General Statues (G.S.) 160D-701, extending to cities the authority to enact regulations which promote the health, safety, morals, or general welfare of the community. Under Section 160D-703 cities are also authorized to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. This section further authorizes the establishment of overlay districts in which different requirements may be imposed upon properties that lie within the boundary of the underlying district. These statutes also require that all such regulations must be uniform for each class or type of building throughout each district, but that the regulations in one district may differ from those in other districts.

Subdivision provisions enacted within this ordinance are authorized under North Carolina G.S. 160D-804, providing for the coordination of streets within proposed subdivisions, existing or planned streets, and other public facilities. This section further authorizes the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision, or alternatively, for the provision of funds to be used to acquire recreation areas serving residents of more than one neighborhood in the immediate area. It also authorizes the distribution of population and traffic in a manner that will avoid congestion and overcrowding. The enumeration of sections of the general statutes is not intended to exclude any other section of the general statutes which grants or confirms authority to municipalities to promulgate ordinances, rules or regulations similar or identical to those set forth in this ordinance.

Pursuant to G.S. 160D-501, the Town shall reasonably maintain a comprehensive or land-use plan (“Plan”) as a condition of adopting and applying zoning regulations. Plans shall be adopted by the governing board with the advice and consultation of the planning board. Adoption and amendment of a Plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601. The adopted Plan shall be advisory in nature without

independent regulatory effect, and shall not expand, diminish, or alter the scope of authority for development regulations in this Ordinance or other regulations.

1.4 Jurisdiction

These regulations govern the development and use of all land and structures within the corporate limits of the Town of Elon, North Carolina and within the town's extraterritorial jurisdiction as shown on the land development ordinance map. This map and its boundaries will be incorporated and made part of this ordinance.

1.5 Relation to Other Ordinances

It is not intended that this ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights or building permits previously adopted or issued pursuant to law and currently effective.

1.6 Separability

Should any section or provision of this ordinance be decided by a court of competent jurisdiction to be unconstitutional or invalid, such decision will not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

1.7 Applicability

No building, structure, or land will be used or occupied, nor any building, structure, or part thereof be erected, constructed, reconstructed, moved, or structurally altered, nor any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations.

1.8 Rules of Construction

For the purposes of these regulations, the following rules of construction apply.

1. These regulations will be construed to achieve the purposes for which they are adopted. Interpretations will be guided by statements of intent.
2. In the event of any conflict in standards applying to a project, the standard more consistent with the Elon Land Development Plan will apply.
3. The words "must," and "will" are mandatory in nature, implying an obligation or duty to comply with the particular provision.
4. The word "may" is permissive in nature except when used in the negative.
5. The word "should," whether used in the positive or the negative, is a suggested guideline.
6. References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

1.9 Land Development Ordinance Map

The Town Board of Aldermen will adopt a land development ordinance map entitled "*Official Land Development Ordinance Map, Town of Elon, North Carolina*", to be certified by the Land Development Ordinance Administrator, and retained in the office of the Land Development

Ordinance Administrator. This map will delineate planning districts established in Chapter 3, and is hereby designated, established, and incorporated as a full part of these regulations, as if it was fully described herein. A reduction of the official land development ordinance map is provided below.

1.10 Effective Date

These regulations will become effective on December 15, 2004. These regulations will supersede, repeal, and replace the Town of Elon Zoning Ordinance and the Elon Subdivision Ordinance, as amended.

1.11 Official Elon Land Development Ordinance Map

[Reserved]

CHAPTER 2 – Planning Elements Established

2.1 General Planning Districts Established

Planning districts are different from conventional zoning districts in that they are defined less by land use, and more by logical areas relating to the historical, geographical, and topographical features and patterns of growth and urban services in our community. Therefore, the conventional terminology of "zoning district" has been replaced with "planning district." These planning districts have the same legal authority as zoning districts. The following general planning districts are established as shown in the table below. Reclassification of property to any general planning district is considered under the administrative procedures outlined in Chapter 8. The requirements of each general planning district are established in Chapter 3.

Symbol	General Planning Districts	Purpose
RR	Rural Residential (private wells & septic)	Very Low-Density SF Residential
SR	Suburban Residential (Town water & sewer – some private wells & septic in rural areas)	Low-Density SF Residential
NR	Neighborhood Residential (Town water & sewer)	Medium-Density SF Residential
UR	Urban Residential (Town water & sewer)	High-Density SF/MF Residential
NC	Neighborhood Center (Crossroad Development)	Mixed-Use Activity Center
VC	Village Center (Serving several neighborhoods)	Mixed-Use Activity Center
TC	Town Center (Surrounding Downtown Area)	Mixed-Use Activity Center
TC-1	Town Center -1 (Downtown Area)	Master Plan Implementation
C	Commercial	Accommodates existing Commercial
O&I	Office and Institutional	Accommodates existing Office and Institutional
PI	Public Institutional	Accommodates large scale Public and Institutional
IND	Industrial	Accommodates existing Industrial

2.2 Overlay Districts Established

Overlay districts are established as a separate set of regulations applicable to specific geographic areas. An overlay district may allow additional uses, restrict permitted uses, or impose development requirements differing from those in the underlying planning district. The underlying planning districts and overlay districts together are used in tandem to manage land development. Overlay districts take precedence over underlying planning districts if there is a conflict. The requirements of each overlay district are set forth in Chapter 3.

Symbol	Overlay Planning Districts	Purpose
TND-O	Traditional Neighborhood Development Overlay	Encourages development of new traditional mixed-use neighborhoods
MH-O	Manufactured Home Neighborhood Overlay	Accommodates manufactured homes
SP-O	Stream Protection Overlay (floodplains and buffers along perennial & intermittent streams)	Preserves natural resources & functions, and provides recreational opportunities

2.3 Interpretation of Planning District Boundaries

The Town of Elon Land Development Ordinance Map, as adopted by the Town of Elon Board of Aldermen and certified by the Land Development Ordinance Administrator, establishes the official planning districts and overlay districts. The following rules apply in the interpretation of district boundaries and the location of centers shown on the official land development ordinance map:

A. Boundaries approximately following streets, highways, or alleys will follow the centerlines of rights-of-ways or easements
B. Boundaries approximately following railroad lines will be midway between the main tracks
C. Boundaries approximately following lot lines, corporate limits, and extraterritorial jurisdiction boundaries of the Town of Elon will follow such boundaries
D. Boundaries shown parallel to or extensions of features indicated in this section will be construed as such. Distances not specifically indicated on the land development ordinance map will be determined by the scale of the map
E. Where the actual location of existing physical or natural features vary with those shown on the land development ordinance map, or in other circumstances not covered by this section, the Planning Board will have the authority to interpret the district boundaries
F. Centers shown at the intersection of streets will be at the intersection of the street centerlines
G. Centers shown at parks or other civic spaces will be at the center of such areas

2.4 Building Types Established

Building types are used as a regulatory mechanism in this land development ordinance. Not all building types are allowed in all planning areas. The types of buildings are:

- Detached houses: The dominant residence type in Elon, detached houses are suitable for single-family occupancy.
- Attached houses: Rowhouses and townhouses are attached houses. Their scale can range from duplexes (two attached units) to a longer series of attached residences.
- Apartment buildings: Apartment buildings are residential buildings accommodating several households. When well designed, this building type can coexist with a variety of other residential building types.
- Live/Work units: Live/work units combine commercial, office, and residential uses within a single dwelling unit of two or more stories.
- Civic building: Civic buildings are used for public purposes. These buildings should be designed appropriately to fit within neighborhoods as integral parts of the community. Their uses include churches, libraries, post offices, and schools.
- Storefront building: Storefront buildings may accommodate a variety of uses. A group of storefront buildings can be combined to form a mixed-use neighborhood center. Individual storefront buildings can provide limited commercial services close to homes.
- Workplace building: The workplace building may have either single or multiple uses or tenants. Office, industrial, and commercial tenants are typical. Small towns and mill villages throughout North Carolina provide examples of how workplace buildings can reasonably coexist with other nearby building types.
- Multi-Family Dwellings above Commercial: Multi-family dwelling units located above floor Commercial Use.
- Office above Retail: Offices located above ground floor Retail Use.

CHAPTER 3 – Planning District Requirements

3.1 Rural Residential Planning District (RR)

3.1.1 Intent

The **Rural Residential Planning District** is provided to preserve the rural appearance and the productive agricultural uses found in outlying areas of the Town's jurisdiction, by clustering development and retaining important natural and rural heritage features. The development of compact neighborhoods and clustering of rural uses is strongly encouraged, to set aside significant natural areas, vistas, and landscape features for permanent conservation. The intent of this district is to reduce the loss of farmland and open space in rural areas, by discouraging segregated, single-use residential developments. Density of development is regulated on a sliding scale. A minimum of 15% to 30% of all land proposed for new development will be maintained as open space. As the amount of preserved open space is increased density is allowed to increase.

3.1.2 Permitted Uses, Accessory Uses, Building & Lot Types, Prohibited Uses *(Amended 10/15/2019)*

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

Uses Permitted By Right:
- single family detached homes
- rental of a single room (max. 15% of house)
- farm uses (crops, livestock)
- forestry
- horticultural specialty
- solar energy system (level 1)

Uses Permitted with a Special Use Permit:
- agricultural industry – feeder/breeder (4.3)
- rural family occupations (4.42)
- solar energy system ½ acre to10 acres (level 3) (4.44.1)
- solar energy system greater than 10 acres (level 4) (4.44.1)

Uses Permitted with Requirements:
- cemeteries (4.13)
- churches and religious institutions (4.15)
- duplexes on corner lots (4.23)
- essential services – class 1 and 2 (4.24)
- recreation facilities, parks & greenways (4.39)
- riding academies/commercial stables (4.41)
- schools, elementary or secondary (4.43)
- transit shelters (4.47)
- civic uses – police & fire stations, libraries, community centers (4.16)
- bed and breakfast inns (4.5)

Permitted Accessory Uses With Requirements:
- accessory dwelling (4.1)
- day care home – small (4.21)
- home occupations (4.29)
- temporary accessory structures (4.47)

Prohibited Uses:
- industrial uses
- agricultural processing plants

Appropriate Overlay Districts with Approval
- Traditional Neighborhood Development Overlay District (TND-O)

Appropriate Building and Lot Types:
- detached houses
- civic buildings civic buildings (up to 16,000 square feet of gross floor area)
- specified urban building types in approved TND-Overlay District

3.1.3 General Provisions of the Rural Residential Planning District

3.1.3.1 Development Options

Within the rural planning area, there are two development options:

- Rural Cluster Development – As the preferred development pattern within the Rural Residential Planning District, this option permits the clustering of a mixture of attached and detached residential building types. A base density of one dwelling unit per acre is permitted, when a minimum of 30% of the site is preserved as open space, and the development is provided with community water and sewer services. This option also provides density bonus incentives to encourage developers to increase the amount of open space accessible to the public, and to participate in the cost of extending municipal water and sewer services. The location and configuration of building sites will be determined through an environmental inventory that identifies landscape features to be preserved and the surrounding rural character to be matched.
- Conventional Residential Subdivision – This option permits a base density of one dwelling unit per two acres when a minimum of 15% of the site is preserved as open space, and each lot utilizes an individual well and septic system. No density bonuses are provided for this option. Building sites will be determined through an environmental inventory that identifies and preserves primary conservation areas.

3.1.3.2 Development Intensity

The number of housing units and size of building lots permitted in Rural Residential District subdivisions varies according to the type of development and amount of open space preserved.

- When the preferred rural cluster development option is used, a base density of one dwelling unit per acre, calculated across the entire project, is permitted with the preservation of 30% open space. Building sites will be clustered on the remaining portion of the land. Projects may include a mixture of the building and lot types permitted in the district.
- When the conventional subdivision option is used, a base density of one dwelling unit per two acres, calculated across the entire project, is permitted with the preservation of 15% open space.

3.1.3.3 Open Space Conservation Requirements

See Section 5.5 for a full outline of Open Space Preservation and Design Regulations

3.1.3.4 Buildings, Streets, Lots, and Improvements

A. Along existing streets, new buildings must respect and be compatible with the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings. New buildings that exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.
B. On new streets, allowable building and lot types will establish the development pattern.
C. Frontage on a public street is required for all lots in the Rural Residential District except those developed using the rural cluster development option (see Section 3.1.7 below).
D. All buildings, streets, site plans, and master plans must conform to the design regulations set out in Chapter 5.

3.1.3.5 Sketch Plan

All development projects defined as major subdivisions (10 or more lots or acres) in the Rural Residential District require an approved subdivision sketch plan, according to the requirements of Chapters 6 and 7. Sketch Plan submittals will provide sufficient information to determine prime conservation areas and rural heritage features on the site. Therefore, a development submittal requires a topographic survey, including, among other information, the location of flood plains, slopes 20% or greater, existing buildings, fences, hedgerows, rock outcroppings, tree lines, creeks and other bodies of water.

3.1.4 Lot and Building Specifications for Rural Residential

Minimum Open Space Requirement:
Rural Cluster: 30%
Conventional: 15%

Maximum Density:
Rural Cluster: 1 dwelling unit per acre)
Conventional: 1 dwelling unit per 2 acres)

Minimum Lot Size:
Rural Cluster: 15,000 sq. ft. (1/3 acre)
Conventional: 65,000 sq. ft. (1.5 acres)

Maximum Lot Size: none

Minimum Lot Width at Building Line:
Rural Cluster: 60 feet
Conventional:150 feet

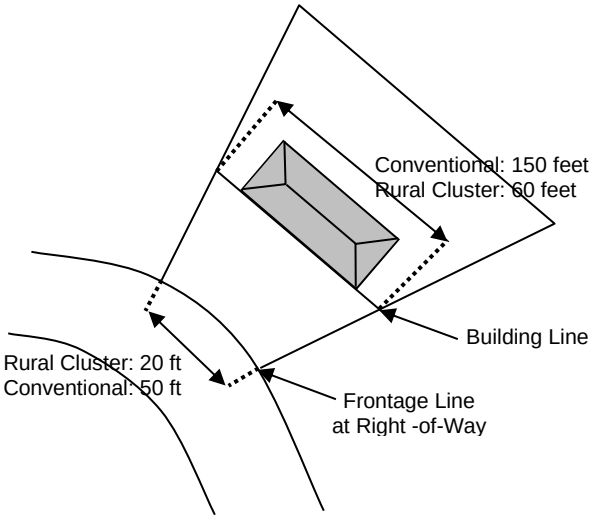
Max. Front Yard Encroachment: 15 ft.

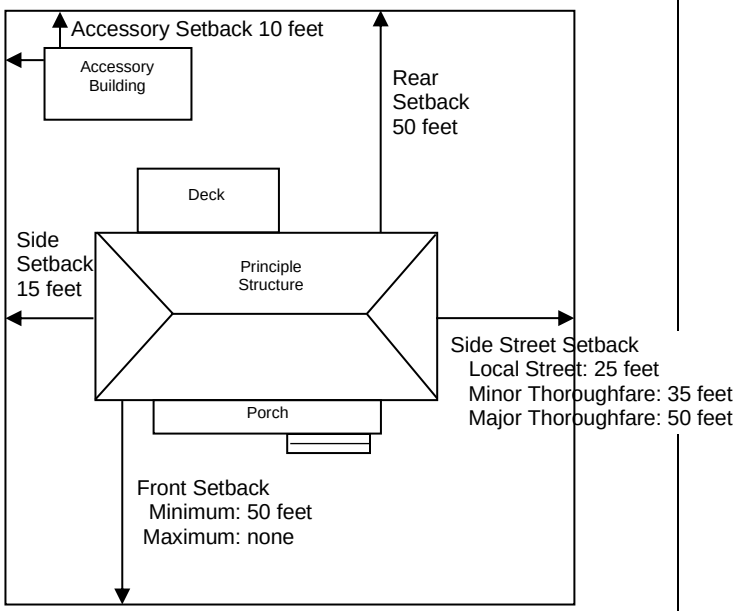
Minimum Public Road ROW Frontage:
Rural Cluster: 20 feet
Conventional: 50 feet

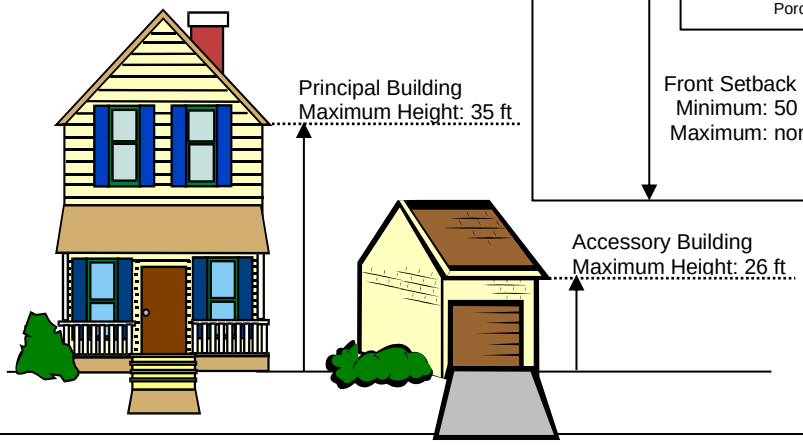
Minimum Open Space Preservation:
Rural Cluster: 30 percent
Conventional: 15 percent

Maximum Impervious Surface: 35%

Max. Principal Building Height: 35 ft.
Max. Accessory Building Height: 26 ft.







* Barns on bona fide farms are exempt from accessory building height limits.

3.1.5 Building Setbacks

Minimum Front Yard Setback: 50 ft.
Maximum Front Yard Setback: none
Side Setback for Principal Structure: 15 ft.
Side and Rear Setback for Accessory Buildings: 10 ft.
Corner Lot Side Yard Setback along Local Street: 25 ft.
Corner Lot Side Yard Setback along Minor Thoroughfare: 35 ft.
Corner Lot Side Yard Setback along Major Thoroughfare: 50 ft.
Rear Setback for Principal Structure: 50 ft.
Rear Setback for Accessory Building along Alley: 20 ft. from Alley edge

3.1.6 General Design Guidelines

A. All buildings must comply with the provisions of Chapter 5 – Design Regulations (farm buildings are exempt).

B. Churches and other civic buildings are exempt from the front yard setback requirements.

C. Setbacks for houses on corner lots will be determined by the Town based upon surrounding frontage conditions.

D. All lots must front along a minimum of 35 ft. of publicly dedicated Road Right-of-Way (R.O.W.) in order to be built upon.

E. Minimum lot width at building line: 150 ft. (Exception: Rural Cluster Developments) Lot widths for lots platted prior to the adoption of this ordinance must be of sufficient width to accommodate a home within required side yard setbacks.

F. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 15 ft. Open decks and patios are permitted to encroach into the rear setback.

G. Accessory buildings, pools, satellite dishes and other similar structures must be constructed in the rear yard only and must be set back a minimum of 10 ft. from the side and rear property lines. Doghouses may be placed in rear yards only. The Town may permit the placement of an accessory building in a side yard provided the provisions of Chapter 5 - Design Regulation are met.

H. Alley accessed garages should be setback a minimum of 20 ft. from the edge of pavement of the alley to allow for sufficient maneuvering area and the storage of one car outside of the garage without encroaching into or blocking alley passage.

I. Hedges, garden walls, or fences may be placed on property lines. Front yard fences may not exceed 4 ft. in height. Side and rear yard fences may not exceed 6 feet in height.

J. The following uses are permitted within accessory structures: farm uses, parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, and conservatory.

K. The aggregate floor area of all accessory structures may not exceed half the total floor area of the principal structure. (Exception: Barns on bona fide farms, patios, and open decks)

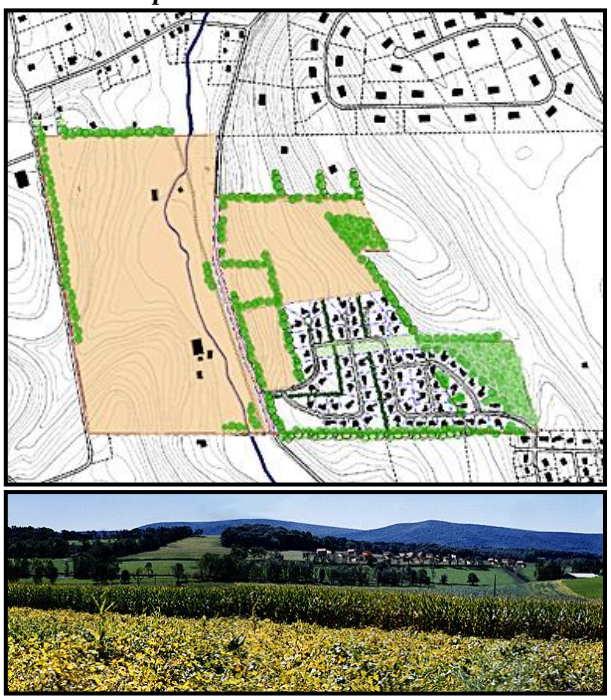
L. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard.

M. Trash containers, mechanical equipment and outdoor storage must be located in the side or rear yard and must be screened from view.

3.1.7 Requirements of the Rural Cluster Development Option

The rural cluster development option provides property owners a way to subdivide their land while substantially retaining its rural character and scenic beauty, and preserving open space and environmentally significant areas. This option permits clustered residential lots in exchange for the preservation of significant open space features. For example, a conventional development might subdivide a ten-acre tract into 5 one-and-a-half-acre lots with 1.5 acres being preserved in open space. Using the rural cluster option, 10 homes might be placed on 30,000 square foot lots, with the remaining 3 acres being permanently preserved as open space. Development costs for roads and other amenities are decreased, while new residents and the community benefit from the preservation of open space in environmentally sensitive areas. The illustrations below provide a visual comparison between conventional large-lot subdivisions, and the rural cluster development option.

A Typical Existing Rural Landscape



A Conventional Large-Lot Subdivision

A Cluster (Open Space) Development

Plans and pictures courtesy of BLUPRINTS – Penn State University. Both development options contain the same number of housing units, but have very different visual effects on the surrounding landscape.

3.2 Suburban Residential Planning District (SR)

3.2.1 Intent

The Suburban Residential Planning District accommodates most of the Town's existing conventional single-family residential subdivisions and provides for some residential infill development within and surrounding existing neighborhoods. Streets in the Suburban Residential District must be interconnected, as required in Section 5.7 – Street and Greenway Design Regulations, Urban Open Space must be provided according to Section 5.5 – Open Space Preservation and Design Regulations. A range of housing types and low-intensity business uses is permitted in mixed-use buildings at a residential scale, in and around designated Neighborhood and Village Center Districts. The intensity to which permitted uses may be built is regulated by the building type corresponding with the intended use and as permitted within the planning district.

3.2.2 Permitted Uses *(Amended 10/15/2019)*

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

Uses Permitted By Right:
- single family detached homes
- rental of a single room (max. 15% of house)
- solar energy system (level 1)

Uses Permitted with Requirements:
- cemeteries (4.13)
- churches and religious institutions (4.15)
- essential services – Class 1 and 2 (4.24)
- outdoor recreation and amusement facilities (4.33)
- recreation facilities, parks & greenways (4.39)
- schools, elementary or secondary (4.43)
- transit shelters (4.47)
- civic uses – police & fire stations, libraries, community centers (4.16)
- bed and breakfast inns (4.5)
- swim / tennis clubs (4.17)

Permitted Accessory Uses With Requirements:
- accessory dwelling (4.1)
- day care home – small (4.21)
- home occupations (4.29)
- temporary accessory structures (4.47)

Prohibited Uses:
- Non-agricultural facilities operated in a manner causing a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.

Appropriate Overlay Districts with Approval
- Traditional Neighborhood Development Overlay District (TND-O)

Appropriate Building and Lot Types:
- detached houses
- civic buildings (up to 16,000 square feet of gross floor area)
- specified urban building types in approved TND-Overlay District

3.2.3 General Provisions of the Suburban Residential Planning District

A. Along existing streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- Build-to lines must be equal to the average setbacks for all buildings on the same side of the street within 300 feet. Churches and other civic buildings are exempt from the front yard build-to line requirements.
- New buildings must demonstrate compatibility by adhering to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets.
- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

B. On new streets, allowable building and lot types will establish the development pattern.

C. Every building lot must have frontage on a public street.

D. Demolition of an existing building requires a demolition permit.

E. All building designs, site plans, and master plans must conform to the regulations set forth in Chapters 5, 6 and 7.

F. All buildings constructed for a permitted use must be one of the building types permitted in the planning area.

G. Drive-through services are prohibited.

H. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.

I. No more than 50% of the single family detached residential lots in a development may be one width. A ten foot differential in lot widths is required to meet this regulation.

J. See Section 7.1 for improvements required in all developments.

3.2.4 Lot and Building Specifications for Suburban Residential

Min. Lot Size: 10,000 sq. ft. (1/4 acre)

Max. Lot Size: 15,000 sq. ft. (1/3 acre)

Minimum Lot Width at Building Line:
75 feet (for single-family residential)

Max. Front Yard Encroachment: 12 ft.

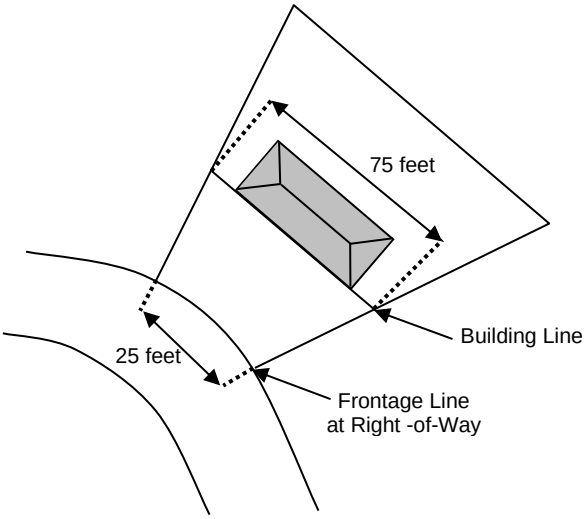
Minimum Public Road Frontage: 25 feet

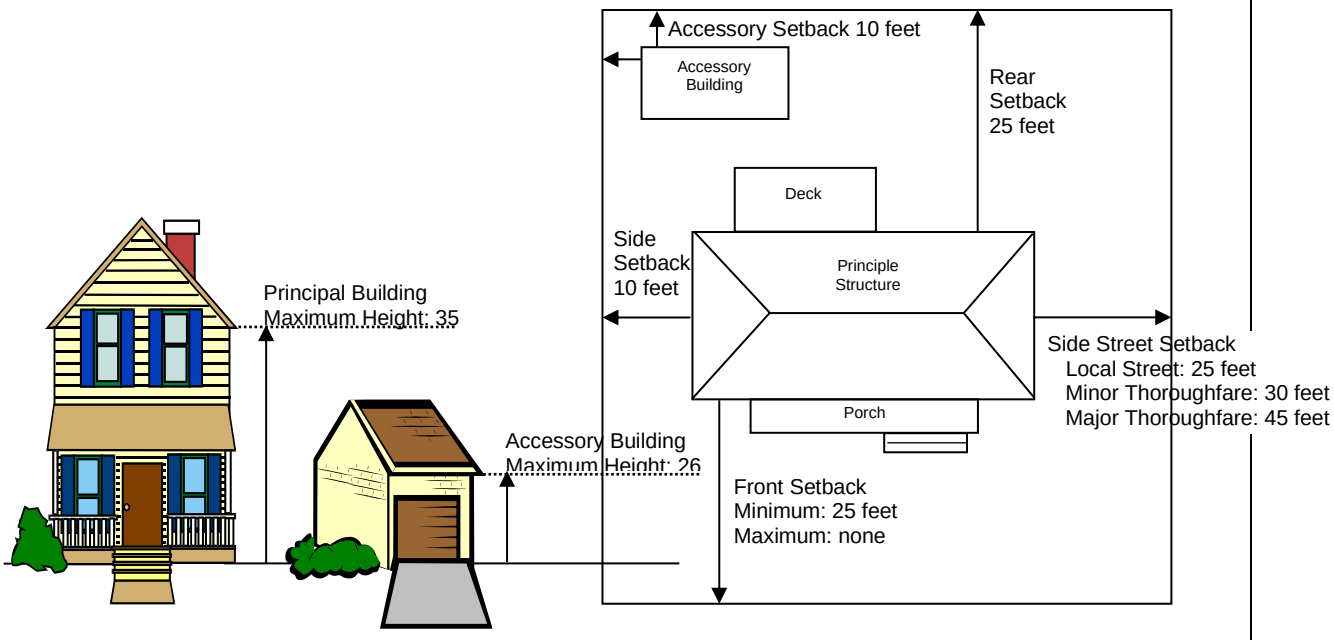
Minimum Open Space Preservation:
10%

Maximum Impervious Surface: 40%

Max. Principal Building Height: 35 ft.

Max. Accessory Building Height: 26 ft.





* Barns on bona fide farms are exempt from accessory building

Building Setbacks

Minimum Front Yard Setback: 25 ft.
Maximum Front Yard Setback: none
Side Setback for Principal Structure: 10 ft.
Side and Rear Setback for Accessory Buildings: 10 ft.
Corner Lot Side Yard Setback along Local Street: 25 ft.
Corner Lot Side Yard Setback along Minor Thoroughfare: 30 ft.
Corner Lot Side Yard Setback along Major Thoroughfare: 45 ft.
Rear Setback for Principal Structure: 25 ft.
Rear Setback for Accessory Building along Alley: 20 ft. from Alley edge

3.2.5 General Design Guidelines for Suburban Residential Planning District

A. All buildings must comply with the provisions of Chapter 5 – Design Regulations.

B. Churches and other civic buildings are exempt from the front yard setback requirements.

C. Setbacks for houses on corner lots will be determined by the Town based upon surrounding frontage conditions.

D. All lots must front along a minimum of 25 ft. of publicly dedicated R-O-W in order to be built upon.

E. Minimum lot width at building line: 75 ft. Lot widths for lots platted prior to the adoption of this ordinance must be of sufficient width to accommodate a home within required side yard setbacks.

F. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 12 ft. Open decks and patios are permitted to encroach into the rear setback.

G. Accessory buildings, pools, satellite dishes and other similar structures must be constructed in the rear yard only and must be set back a minimum of 10 ft. from the side and rear property lines. Doghouses may be placed in rear yards only. The Town may permit the placement of an accessory building in a side yard provided the provisions of Chapter 5 - Design Regulation are met.

H. Alley accessed garages should be setback a minimum of 20 ft. from the edge of pavement of the alley, to allow for sufficient maneuvering area and the storage of one car outside of the garage without encroaching into or blocking alley passage.

I. Hedges, garden walls, or fences may be placed on property lines. Front yard fences must not exceed 4 ft. in height. Side and rear yard fences may not exceed 6 feet in height.

J. The following uses are permitted within accessory structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, and conservatory, and home occupations.

K. The aggregate floor area of all accessory structures may not exceed half the total floor area of the principal structure. (Exception: patios, and open decks)

L. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard.

M. Trash containers, mechanical equipment and outdoor storage must be located in the side or rear yard and must be screened from view.

N. All new neighborhoods must have a minimum of 10% dedicated as open space, or provide a payment in lieu of this dedication requirement, as specified in Chapter 5 – Design Regulations.

3.3 Neighborhood Residential Planning District (NR)

3.3.1 Intent

The Neighborhood Residential Planning District accommodates existing medium-density single-family residential neighborhoods, and provides opportunities for future single-family residential development primarily within the Town's northwest growth area. This district provides for some higher-density residential development within walking distance of designated Neighborhood and Village Center Districts, as identified on the Land Development Ordinance Map (and as provided for in Sub-Section 3.3.2 below). Streets in the Neighborhood Residential District must be interconnected, as required in Section 5.7 – Street and Greenway Design Regulations. Urban Open Space must be provided according to Section 5.5 – Openspace Preservation and Design Regulations. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use buildings at a residential scale, in and around designated Town, Neighborhood and Village Center Districts. The intensity to which permitted uses may be built is regulated by the building type corresponding with the intended use, and permitted within the planning district.

3.3.2 Permitted Uses *(Amended 10/15/2019)*

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

Uses permitted by right:
- single family detached homes
- duplexes
- rental of a single room (max 15% of house)
- solar energy system (level 1)

Uses Permitted with Requirements:
- cemeteries (4.13)
- churches and religious institutions (4.15)
- daycare centers (4.21)
- essential services 1 and 2, (4.24)
- funeral homes (4.27)
- manufactured homes on individual lots (4.30)
- outdoor recreation and amusement facilities (4.33)
- recreation facilities, parks & greenways (4.39)
- schools, elementary & secondary (4.43)
- transit shelters (4.47)
- bed and breakfast inns (4.5)
- boarding or rooming houses for up to four roomers (4.6)
- civic uses – police & fire stations, libraries, community centers (4.16)

Permitted Accessory Uses With Requirements:
- accessory dwelling (4.1)
- day care home - small (4.21)
- home occupations (4.29)
- temporary accessory structures (4.47)

Prohibited Uses:
- correctional facilities
- waste management facilities

Appropriate Building and Lot Types:
- detached houses
- civic buildings (up to 16,000 square feet of gross floor area)
- specified urban building types in approved TND-Overlay District

Appropriate Overlay Districts with Approval
- Manufactured Home Overlay District (MH-O)
- Traditional Neighborhood Development Overlay District (TND-O)

3.3.3 General Provisions of the Neighborhood Residential Planning District

A. Along existing streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- Build-to lines must be equal to the average setbacks for all buildings on the same side of the street within 300 feet. Churches and other civic buildings are exempt from the front yard build-to line requirements.
- New buildings must demonstrate compatibility by adhering to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets.
- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

B. On new streets, allowable building and lot types will establish the development pattern.

C. Every building lot must have frontage on a public street.

D. Demolition of an existing building requires a demolition permit.

E. All building designs, site plans, and master plans must conform to the regulations set forth in Chapters 5, 6 and 7.

F. All buildings constructed for a permitted use must be one of the building types permitted in the planning area.

G. Drive-through services are prohibited.

H. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.

I. No more than 50% of the single family detached residential lots in a development may be one width. A ten foot differential in lot widths is required to meet this regulation.

J. See Section 7.1 for improvements required in all developments.

3.3.4 Lot and Building Specifications for Neighborhood Residential

Minimum Lot Size: 6,000 sq. ft. (1/7 ac.)

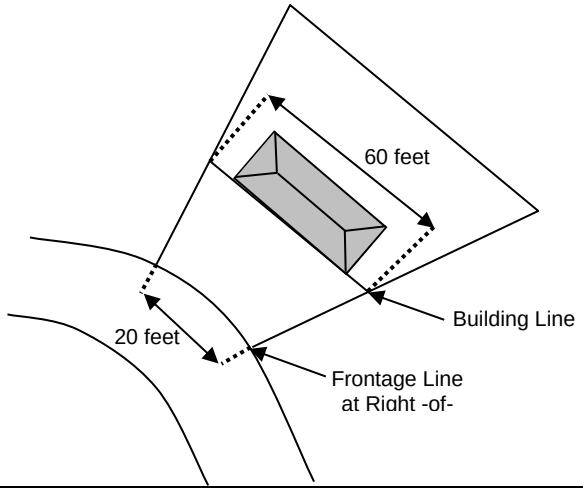
Maximum Lot Size: 10,000 sq ft. (1/4 ac)

Minimum Lot Width at Building Line: 60 ft. for single-family residences

Minimum Street Frontage: 20 ft. along a publicly dedicated road right-of-way.

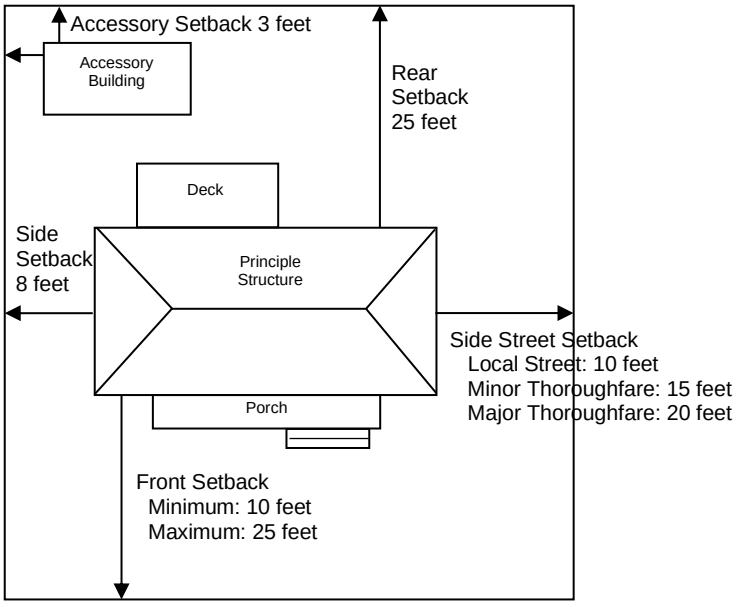
Maximum Impervious Surface Lot Coverage: 45%

Minimum Open Space Preservation: 10% (or payment in lieu of dedication)



Building Setbacks

Minimum Front Setback: 10 ft.
Maximum Front Setback: 25 ft.
Side Setback for Principal Structure: 8 ft. (0 ft. if lot is adjacent to common area at least 50' in width)
Side and Rear Setback for Accessory Buildings: 3 ft
Corner Lot Side Yard Setback along Local Street: 10 ft.
Corner Lot Side Yard Setback along Minor Thoroughfare: 15 ft.
Corner Lot Side Yard Setback along Major Thoroughfare: 20 ft.
Rear Setback for Principal Structure: 25 ft. (0 ft. if lot is adjacent to common area at least 50' in width)
Rear Setback for Accessory Building along Alley: 15 ft. from Alley Centerline



3.3.5 General Design Provisions for Neighborhood Residential Planning District

A. All buildings must comply with the provisions of Chapter 5 – Design Regulations.

B. All lots must front along a minimum of 20 ft. of publicly dedicated road R.O.W. in order to be built on.

C. Minimum lot width at building line: 60 ft. Lot widths for lots platted prior to adoption of this ordinance must be of sufficient width to accommodate a home within required side yard setbacks.

D. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the building setbacks a maximum of 10 ft. Open decks and patios are permitted to encroach into the rear and side setbacks.

E. Accessory structures are incidental to the principal use. Accessory buildings, pools, satellite dishes, doghouses, and other similar structures must be constructed in the rear yard only and must be set back a minimum of 3 ft. from the side and rear property lines. Two or more garages, each located on a separate lot, may be attached to each other at the side property line. In such cases, side yard setbacks will not be required.

F. Alley accessed garages should be setback a minimum of 20 ft. from the edge of pavement of the alley to allow for sufficient maneuvering area and the storage of one car outside of the garage without encroaching or blocking alley passage.

G. Hedges, garden walls, or fences may be built on property lines. Front yard fences must not exceed 4 ft. in height. Side and rear yard fences must not exceed 6 feet in height.

H. The following uses are permitted within accessory structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, conservatory, home office and rental cottage.

I. The aggregate floor area of all accessory structures may not exceed half the total floor area of the principal structure. (Exception: Pools, patios and open decks)

J. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard.

K. Trash containers, mechanical equipment and outdoor storage must be located in the side or rear yard and must be screened from view from the street.

L. All off-street parking spaces for multi-family buildings (duplexes) must be in the rear yard only.

M. All new neighborhoods must have a minimum of 10% dedicated as open space, or provide a payment in lieu of this dedication requirement, as specified in Chapter 5 – Design Regulations.

3.3.6 Building Height

<u>Maximum Height</u>
Principal Structure:
2 Stories

Accessory Structures:
2 Stories

3.4 Urban Residential Planning District (UR)

3.4.1 Intent

The Urban Residential Planning District accommodates existing high-density residential uses, and provides opportunities for future high-density single- and multi-family residential development within and near the Town Center and designated Neighborhood and Village Center Districts, as identified on the Land Development Ordinance Map (and as provided for in Sub-Section 3.4.2 below). Streets in the Urban Residential District must be interconnected, as required in Section 5.7 – Street and Greenway Design Regulations. Urban Open Space must be provided according to Section 5.5 – Open Space Preservation and Design Regulations. A range of housing types is encouraged. Low-intensity business activity is permitted in mixed-use buildings at a residential scale, in and around designated Town, Neighborhood and Village Center Districts. The intensity to which permitted uses may be built is regulated by the building type corresponding with the intended use, and permitted within the planning district.

3.4.2 Permitted Uses *(Amended 10/15/2019)*

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

Uses Permitted by Right:
- single family detached homes
- duplexes
- rental of a single room (max 15% of house)
- solar energy system (level 1)

Uses Permitted with Requirements:
- cemeteries (4.13)
- churches and religious institutions (4.15)
- daycare centers (4.21)
- essential services 1 and 2 (4.24)
- funeral homes (4.27)
- recreation facilities, parks & greenways (4.39)
- schools, elementary & secondary (4.43)
- transit shelters (4.47)
- bed and breakfast inns (4.5)
- boarding or rooming houses for up to four roomers (4.6)
- civic uses – police & fire stations, libraries, community centers (4.16)
- retail uses (4.40)
- office uses (4.32)

Permitted Accessory Uses With Requirements:
- accessory dwelling (4.1)
- day care home - small (4.21)
- home occupations (4.29)
- temporary accessory structures (4.47)

Uses Permitted with Special Use Permit:
- multi-family residential (4.31) – apartments, live/work units[1], condominiums, or town homes.

Prohibited Uses:
- correctional facilities
- waste management facilities

Appropriate Building and Lot Types:
- attached houses
- detached houses
- civic buildings - up to 16,000 square feet of gross floor area
- storefront buildings - up to 5,000 square feet of gross floor area
- specified urban building types in approved TND-Overlay District or with Special Use Permit

Appropriate Overlay Districts with Approval
- Traditional Neighborhood Development Overlay District (TND-O)

[1] The live/work unit mimics the traditional storefront building type and has at least two usable stories; the ground floor is for office or commercial uses and the upper floor(s) are for residential or office uses.

3.4.3 General Provisions of the Urban Residential Planning District

A. Along existing streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- Setbacks must be equal to the average setbacks for all buildings on the same side of the street within 300 feet. Churches and other civic buildings are exempt from the front yard setback requirements.
- New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

B. On new streets, allowable building and lot types will establish the development pattern.

C. Every building lot must have frontage on a public street.

D. Demolition of an existing building requires a demolition permit.

E. All building designs, site plans, and master plans must conform to the regulations set forth in Chapters 5, 6 and 7.

F. All buildings constructed for a permitted use must be one of the building types permitted in the planning area.

G. Drive-through services are prohibited.

H. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.

I. No more than 50% of the single family detached residential lots in a development may be one width. A ten foot differential in lot widths is required to meet this regulation.

J. See Section 7.1 for improvements required in all developments.

3.4.4 Lot and Building Specifications for Urban Residential

Permitted building types must be constructed in accordance with the design specifications in Sections 5.2, 5.3, and 5.4. Civic buildings are exempt from all front yard setback requirements.

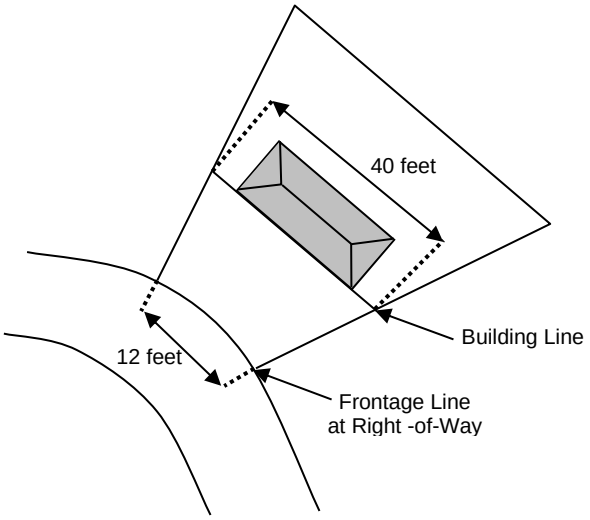
Minimum Lot Size: 3,000 sq. ft. (1/15 ac)

Maximum Lot Size: 6,000 sq ft. (1/7 ac.)

Minimum Lot Width at Building Line: 40 ft. for single-family residences

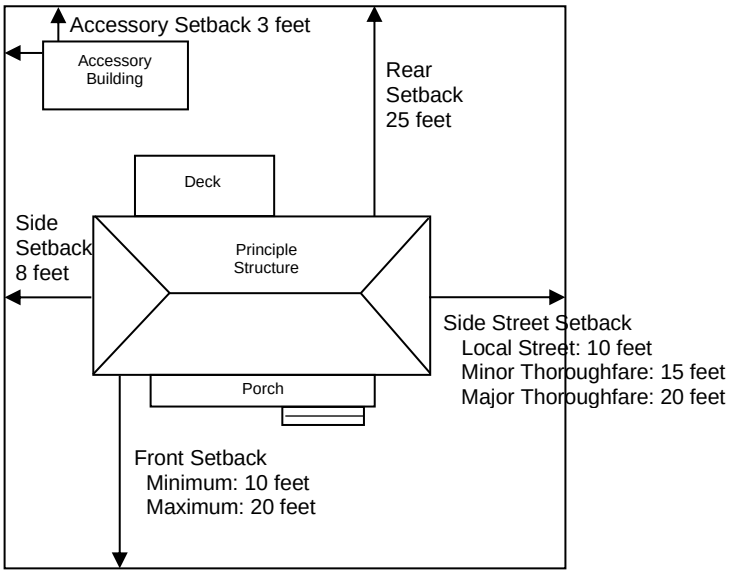
Minimum Street Frontage: 12 ft. along a publicly dedicated street right-of-way.

Minimum Open Space Preservation: 10% (or payment in lieu of dedication)



Building Setbacks

Minimum Front Setback: 10 ft.
Maximum Front Setback: 20 ft.
Side Setback for Principal Structure: 8 ft.
Corner Lot Side Yard Setback along Local Street: 10 ft.
Corner Lot Side Yard Setback along Minor Thoroughfare: 15 ft.
Corner Lot Side Yard Setback along Major Thoroughfare: 20 ft.
Side and Rear Setback for Accessory Buildings: 3 ft.
Rear Setback for Principal Structure: 25 ft.
Rear Setback for Accessory Building along Alley: 20 ft. from Alley edge



3.4.5 General Design Provisions for Urban Residential Planning District

A. All buildings must comply with the provisions of Chapter 5 – Design Regulations.

B. All lots must front along a minimum of 12 ft. of publicly dedicated R-O-W in order to be built on.

C. Minimum lot width at building line: 40 ft. Lot widths for lots platted prior to adoption of this ordinance must be of sufficient width to accommodate a home within required side yard setbacks.

D. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the building setbacks a maximum of 5 ft. Open decks and patios are permitted to encroach into the rear and side setbacks.

E. Accessory structures are incidental to the principal use. Accessory buildings, pools, satellite dishes and other similar structures must be constructed in the rear yard only and must be set back a minimum of 3 ft. from the side and rear property lines. Two or more garages, each located on a separate lot, may be attached to each other at the side property line. In such cases, side yard setbacks will not be required.

F. Alley accessed garages should be setback a minimum of 20 ft. from the edge of pavement of the alley to allow for sufficient maneuvering area and the storage of one car outside of the garage without encroaching or blocking alley passage.

G. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and must be screened from view from all abutting properties. Satellite dishes less than 3 feet in diameter are exempt from these provisions.

H. Hedges, garden walls, or fences may be built on property lines. Front yard fences must not exceed 4 ft. in height. Side and rear yard fences must not exceed 6 feet in height.

I. The following uses are permitted within accessory structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, conservatory, home office and rental cottage.

J. The aggregate floor area of all accessory structures must not exceed ½ the total floor area of the principal structure. (Exception: Pools, patios and open decks)

K. Mailboxes, newspaper boxes, walls, fences, birdhouses, flagpoles, and pump covers may be placed in any front, side or rear yard. Doghouses may be placed in rear yards only.

L. Trash containers, mechanical equipment and outdoor storage must be located in the side or rear yard and must be screened from view from the street.

M. All off-street parking spaces for multi-family buildings must be in the rear yard only.

N. All new neighborhoods must have a minimum of 10% dedicated as open space, or provide a payment in lieu of this dedication requirement, as specified in Chapter 5 – Design Regulations.

3.4.6 Building Height

<u>Maximum Height</u>
Principal Structure:
2 Stories

Accessory Structures:
2 Stories

3.5 Summary of Residential District Development Requirements

Residential District Development Requirements	RR	SR	NR	UR
Minimum Lot Size	Rural Cluster: 15,000 sq ft. Conventional: 65,000 sq ft. (1.5 acres)	10,000 sq ft.	6,000 sq ft.	3,000 sq ft.
Maximum Lot Size	N/A	15,000 sq ft.	10,000 sq ft.	6,000 sq ft.
Minimum Lot Width at Building Line	Rural Cluster: 60 ft. Conventional: 150 ft.	75 ft.	60 ft.	40 ft.
Maximum Front Yard Encroachment	15 ft.	12 ft.	10 ft.	8 ft.
Minimum Road ROW Frontage	Rural Cluster: 20 ft. Conventional: 50 ft.	25 ft.	20 ft.	12 ft.
Front Yard Setback (from Road Right-of-Way)	50 ft.	25 ft.	10 ft.	10 ft. (min) 25 ft. (max)
Rear Yard Setback	50 ft.	25 ft.	25 ft. / 0 ft. (if adj. to common area at least 50' in width)	25 ft.
Side Yard Setback (for Principal Structure)	15 ft.	10 ft.	8 ft / 0 ft. (if adj. to common area at least 50' in width)	8 ft.
Corner Lot Side Yard Setback Fronting *Minor* Thoroughfare Fronting *Major* Thoroughfare:	25 ft. 35 ft. 50 ft.	25 ft. 30 ft. 45 ft.	10 ft. 15 ft. 20 ft.	10 ft. 15 ft. 20 ft.
Accessory Structure Setback (Side & Rear Yard)	10 ft.	10 ft.	3 ft.	3 ft.
Alley-Accessed Garage Setback	20 ft. to edge	20 ft. to edge	20 ft. to edge	20 ft. to edge
Open Space Preservation	Rural Cluster: 30% Conventional: 15%	10%*	10%*	10%*
Maximum Impervious Surface Lot Coverage	35%	40%	45%	50%
Maximum Principal Building Height: Maximum Accessory Building Height:	35 26	35 26	2-stories 2-stories	2-stories 2-stories

*[*or provide payment in lieu of open space dedication with approval as provided in Chapter 5 – Design Regulations*]

3.6 Neighborhood Center (NC) and Village Center Districts (VC)

3.6.1 Intent

Neighborhood and Village "Activity" Center Districts provide for the clustering of workplace, storefront, civic, and live/work buildings in a central location to serve one or more neighborhoods. Activity Centers are designed to be pedestrian-friendly, with architectural building styles compatible with one another, and with surrounding residential buildings. Neighborhood and Village Centers are generally located at key intersections along collector roads. The Proposed Land Use Map in the Elon Land Development Plan shows the approximate location of designated potential Neighborhood and Village Centers. For example, the plan designates a potential Neighborhood Center at the Shallowford Church Road and NC87 intersection, and a Village Center at the Shallowford Church Road and Elon By-Pass intersection.

3.6.2 Permitted Uses

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

Uses Permitted by Right:
- bed and breakfast inns
- civic, cultural, and community facilities, (excluding correctional & waste management facilities)
- commercial and office uses
- congregate housing designed within the "civic" building type
- solar energy system (level 1)
- parks & urban open space
- indoor amusement
- single family detached homes

Uses Permitted with Requirements:
- boarding or rooming houses for up to four roomers (4.6)
- cemeteries (4.13)
- solar energy system 600 square feet to ½ acre (level 2) (4.44.1)
- churches and religious institutions (4.15)
- daycare centers and homes (4.21)
- essential (utility) services 1 and 2 (4.24)
- gasoline stations (neighborhood), excluding major service & repair shops (4.28)
- parking lot as principle use (4.38)
- recreation facilities, parks & greenways (4.39)
- schools, elementary or secondary (4.43)
- outdoor sale of goods (temporary) seasonal products - pumpkins, Christmas trees (4.35)
- transit shelters (4.47)

Permitted Accessory Uses With Requirements:
- accessory dwelling (4.1)
- day care home (small) (4.21)
- drive-through windows & services, excluding those associated with restaurants (4.22)
- home occupations (4.29)

Uses Permitted with a Special Use Permit:
- solar energy system ½ acre to10 acres (level 3) (4.44.1)

Appropriate Building and Lot Types:
- detached house
- civic buildings - up to 16,000 square feet of first floor area
- live/work units - up to 3,000 square feet of first floor area
- storefront buildings - up to 6,000 square feet of gross floor area
- workplace buildings - up to 6,000 square feet of gross floor area
- specified urban building types in approved TND-Overlay District

Appropriate Overlay Districts with Approval
- Traditional Neighborhood Development Overlay District (TND-O)

3.6.3 General Design Requirements in Neighborhood & Village Center Districts

A. Neighborhood Centers may be no more than one-eighth of a mile (660 feet) in diameter.

B. Village Centers may be no more than one-quarter of a mile (1,320 feet) in diameter.

C. A master plan must be provided with any application to reclassify property to a Neighborhood or Village Center. The master plan must include a topographic survey and show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the pedestrian environment and conditions at project edges.

D. Incremental development of a neighborhood or village center is to be expected, however, individual sites are to be developed in accordance with the overall required master plan.

E. Along existing streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

   - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
   - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

F. On new streets, allowable building and lot types will establish the development pattern.

G. Every building lot must have frontage on a public street.

H. Every building lot must have frontage on a public street or square.

I. See Section 7.1 for improvements required in all land developments.

3.6.4 Lot and Building Placement

Permitted building types and frontages must be constructed in accordance with the design specifications in Chapter 5. Civic buildings are exempt from all yard setback requirements.

Required Setbacks

Minimum Front: 10 ft.
Maximum Front: 25 ft.

Minimum Side Yard (Principal Structure):
0 ft.

Minimum Side Yard (Accessory Structure): 5 feet

Minimum Rear Yard: 10 ft.

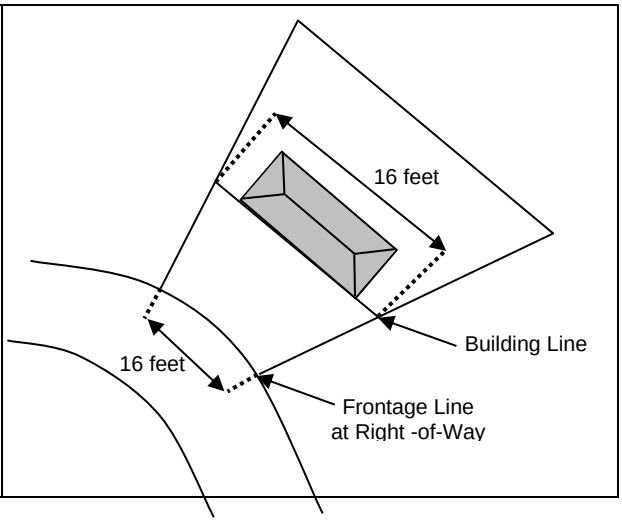
Encroachments
Front: 5 ft. (Encroachments into front yard setback permitted on second or third story only. Encroachments into the rights-of-way of state-maintained roads are not permitted.)

Frontage Build-Out
Minimum: 70%

3.6.5 Lot Width

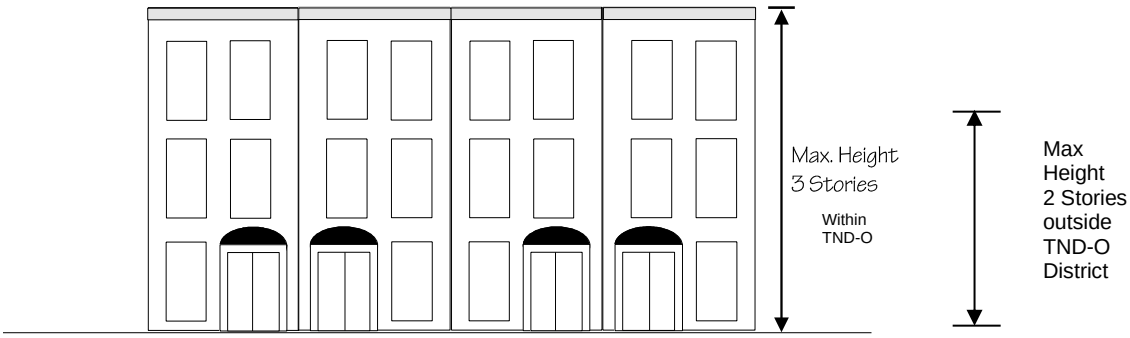
All lots must front along a minimum of 16 ft. of publicly dedicated R-O-W in order to be built on.

Minimum Lot Width at Building Line: 16 ft.



3.6.6 Building Heights

Maximum Height
All Structures: 3 Stories within the TND-O District
2 Stories outside of the TND-O District



3.6.7 General Provisions Neighborhood & Village Center Districts

A. All buildings must comply with the provisions of Chapter 5 - Design Regulations.

B. Buildings on corner lots must be considered to have 2 front yards and must utilize the minimum front setback for each facade.

C. Accessory buildings, pools, satellite dishes and other similar structures must be constructed in the rear yard only and must be set back a minimum of 10 ft. from the side and rear property lines. Two or more garages, each located on a separate lot, may be attached to each other at the property line. In such cases, side yard setbacks are not required.

D. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and must be screened from view from all abutting properties. Satellite dishes less than 3 feet in diameter are exempt from these provisions.

E. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls must be designed as the extension of the building walls. Side and rear yard fences may not exceed 6 feet in height.

F. The following uses are permitted within accessory structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, conservatory, home office and rental cottage.

G. Trash containers, mechanical equipment and outdoor storage must be located in the rear yard and must be screened from view with a wood fence, brick wall, landscaping or any combination thereof, and must be set back 5 feet from the side and 10 feet from the rear property lines.

3.7 Town Center Planning District (TC)

3.7.1 Intent

The intent of the **Town Center District** is to encourage the revitalization, re-use, and expansion of Elon's historic town center. As the traditional focal point of community life, the Town Center is intended to serve as the hub of civic, cultural, and governmental activity. The storefront shops, restaurants, and public uses primarily along Williamson Avenue and West Haggard Avenue help define the general character of this area. The older neighborhoods in this district are part of the Town's historic fabric, meriting special attention, and providing a variety of mostly residential redevelopment opportunities. New infill development will be encouraged, to accommodate detached and attached homes, and a variety of civic, commercial, office, and mixed-use buildings that add to the character, charm, and economic viability of this vital, community-wide activity center.

3.7.2 Permitted Uses

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

Uses Permitted by Right:
- bed and breakfast inns
- civic, cultural, club, fraternal, and community facilities, (excluding correctional & waste management facilities)
- commercial and office uses
- congregate housing designed within the "civic" building type
- hotels
- indoor recreation
- indoor commercial amusement
- single family detached homes
- live/work units
- solar energy system (level 1)

Uses Permitted with Requirements:
- boarding or rooming houses for up to four roomers (4.6)
- cemeteries (4.13)
- churches and religious institutions (4.15)
- daycare centers (4.21)
- essential (utility) services 1 and 2 (4.24)
- neighborhood gasoline stations, excluding major service & repair shops (4.28)
- parking lot as principle use (4.38)
- recreation facilities, parks & greenways (4.39)
- schools, elementary or secondary (4.43)
- temporary outdoor sales of seasonal products - pumpkins, Christmas trees (4.35)
- transit shelters (4.47)

Permitted Accessory Uses With Requirements:
- accessory dwelling (4.1)
- day care home - small (4.21)
- drive-through windows & services, excluding those associated with restaurants (4.22)
- home occupations (4.29)

Uses Permitted with Special Use Permit:
- building greater than 3 stories in height (4.7)

Appropriate Building and Lot Types:
- detached house
- civic buildings – up to 16,000 square feet of first floor area
- live/work units - up to 3,000 SF of first floor area
- storefront - up to 15,000 square feet of gross floor area
- workplace - up to 15,000 square feet of gross floor area
- specified urban building types in approved TND-Overlay District

Appropriate Overlay Districts with Approval
- Traditional Neighborhood Development Overlay District (TND-O)

3.7.3 General Design Requirements in the Town Center Planning District

A. Along existing streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
   - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
   - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.
   - Special emphasis must be placed on designing new buildings that respect and are compatible with the architectural character of existing historic structures.

B. On new streets, allowable building and lot types will establish the development pattern.

C. Every building lot must have frontage on a public street or square.

D. Live/work buildings will generally have retail uses located on the first floor, and office or residential uses on the second upper floors.

E. See Section 7.1 for improvements required in all new developments.

F. Demolition of an existing building requires a demolition permit.

G. All buildings, site plans, and master plans must conform to the design regulations set out in Chapter 5.

H. All buildings constructed for a permitted use must be one of the building types permitted in the planning area.

I. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.

3.7.4 Lot and Building Placement

Permitted building types and frontages must be constructed in accordance with specifications outlined in Chapter 5 - Design Regulations. Civic buildings are exempt from all yard setback requirements.

Building Setbacks:
Minimum Front: 0 ft.
Maximum Front: 10 ft.

Minimum Side Yard (Principal Structure): 0 ft.

Minimum Side Yard (Accessory Structure): 5 feet

Minimum Rear yard: 10 ft.

Minimum Lot Width for attached housing and shop front buildings: 16 ft.

Building Encroachments:
Front: 5 ft. (Encroachments into R-O-W permitted on second or third story only)
Exception: Arcades

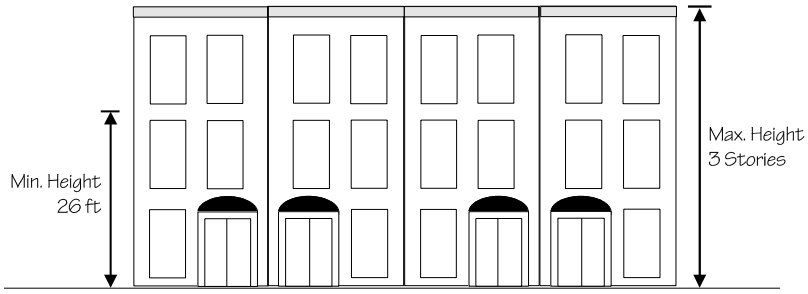
Frontage Build-Out:
Minimum: 70%

3.7.5 Building Height

Minimum Height
Principal Structures: 26 ft.

Maximum Height
All Structures: 3 Stories

Buildings greater than 3 stories require a *Special Use Permit.*



3.7.6 General Provisions for Town Center Planning District

A. Canopies and awnings are permitted to encroach into the front setback up to 5 ft. Arcades are permitted to encroach into the ROW with permission from the Town and/or the State DOT. Open decks and patios are permitted to encroach into the rear setback.

B. Accessory structures are incidental to the principal use. Accessory buildings, pools, satellite dishes and other similar structures must be constructed in the rear yard only and must be set back a minimum of 5 ft. from the side and 10 feet from the rear property lines. Two or more garages, each located on a separate lot, may be attached to each other at the property line. In such cases, side yard setbacks are not required.

C. Drive-through windows and services must be in accordance with Chapter 4 - Uses Permitted with Additional Requirements.

D. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and must be screened from view from all abutting properties. Satellite dishes less than 3 feet in diameter are exempt.

E. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls must be designed as the extension of the building walls. Side and rear yard fences may not exceed 6 feet in height.

F. The following uses are permitted within accessory structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, conservatory, home office and rental cottage.

G. Trash containers, mechanical equipment and outdoor storage must be located in the rear yard and must be screened from view with a wood fence, brick wall, landscaping or any combination thereof, and must be set back 5 ft. from the side and 10 feet from the rear property lines.

3.7-A Town Center-1 Planning District (TC-1)

3.7.1-A Intent

The intent of the **Town Center-1 District** is to encourage the revitalization, re-use, and expansion of Elon's historic town center, the Downtown. As the traditional focal point of community life, the Town Center-1 District is intended to serve as the hub of commercial civic, cultural, and governmental activity in accordance with the "Downtown Elon Master Plan" of January 2014. The storefront shops, restaurants, and public uses help define the general character of this area. The street network and blocks this district are part of the Town's historic fabric that is poised to accommodate a variety of mixed-use and redevelopment opportunities. New infill development is encouraged, to accommodate a variety of commercial, civic, and mixed-use buildings that add to the character, charm, and economic viability of this vital, community-wide activity center.

3.7.2-A Permitted Uses

The section number in parenthesis following listed permitted uses indicates the ordinance section of applicable development conditions.

Uses Permitted by Right:
- bed and breakfast inns
- civic, cultural, club, fraternal, and community facilities, (excluding correctional & waste management facilities)
- commercial and office uses
- congregate housing designed within the "civic" building type
- solar energy system (level 1)
- hotels
- indoor recreation
- indoor commercial amusement
- multi-family dwellings above commercial
- offices above retail

Uses Permitted with Requirements:
- churches and religious institutions (4.15)
- daycare centers (4.21)
- essential (utility) services 1 and 2 (4.24)
- parking lot as principle use (4.38)
- recreation facilities, parks & greenways (4.39)
- schools, elementary or secondary (4.43)
- temporary outdoor sales of seasonal products - pumpkins, Christmas trees (4.35)
- transit shelters (4.47)

Permitted Accessory Uses With Requirements:
- drive-through windows & services, excluding those associated with restaurants (4.22)

Uses Permitted with Special Use Permit:
- building greater than 4 stories in height (4.7)
- building greater than 30,000 square feet of gross floor area
- live/work units - up to 3,000 SF of first floor area
- multi-family residential

Appropriate Building and Lot Types:
- civic buildings – up to 16,000 square feet of first floor area
- storefront - up to 30,000 square feet of gross floor area
- workplace - up to 30,000 square feet of gross floor area
- specified urban building types in approved TND-Overlay District
- multi-family dwellings above commercial
- offices above retail

Appropriate Overlay Districts with Approval
- Traditional Neighborhood Development Overlay District (TND-O)

3.7.3-A General Design Requirements in the Town Center-1 Planning District

A. Along existing and proposed streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships as shown in The "Downtown Elon Master Plan", 2014.

   1. New buildings which adhere to the scale, massing, volume, spacing, and setback of buildings as shown in The "Downtown Elon Master Plan", 2014 exhibit demonstrable compatibility.

   2. New buildings which exceed the scale and volume of buildings as shown in The "Downtown Elon Master Plan", 2014 may demonstrate compatibility by varying the massing of buildings to adjust perceived scale and volume if such adjustments are consistent with Sections 5.3 and 5.4.

   3. Special emphasis shall be placed on designing new buildings that respect and are compatible with the architectural character of existing historic structures.

B. On new streets, allowable building types and blocks will establish the development pattern as shown in The "Downtown Elon Master Plan", 2014.

C. Every building lot shall have frontage on a public street Town Commons, or Plaza, as shown in the Downtown Elon Master Plan, 2014.

D. See Section 7.1 for improvements required in all new developments.

E. Demolition of an existing building requires a demolition permit.

F. Live/Work buildings will generally have commercial uses located on the first floor, and office or residential uses on the upper floors.

J. All buildings, site plans, and master plans shall conform to the design regulations set out in Chapter 5, and the Downtown Elon Master Plan, 2014.

K. All buildings constructed for a permitted use shall be one of the building types permitted in the planning area.

L. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.

M. All streets, blocks, Renovation Buildings, New Buildings, Town Commons, Plazas, On-Street Parking, Parking Lots, Street Trees, Sidewalks and Crosswalks shall be as shown in The "Downtown Elon Master Plan", 2014.

N. Lots which are less than 45 ft. in width must provide access to on-site parking from the rear alley only. Lots greater than 45 ft. in width may provide access to on-site parking from the fronting street. Alley accessed garages should be setback a minimum of 20 ft. from the edge of pavement of the alley to allow for sufficient maneuvering area and the storage of one car outside of the garage without encroaching or blocking alley passage.

3.7.4-A Lot and Building Placement

Permitted building types and frontages shall be constructed in accordance with specifications outlined in Chapter 5 - Design Regulations. Civic buildings are exempt from all yard setback requirements.

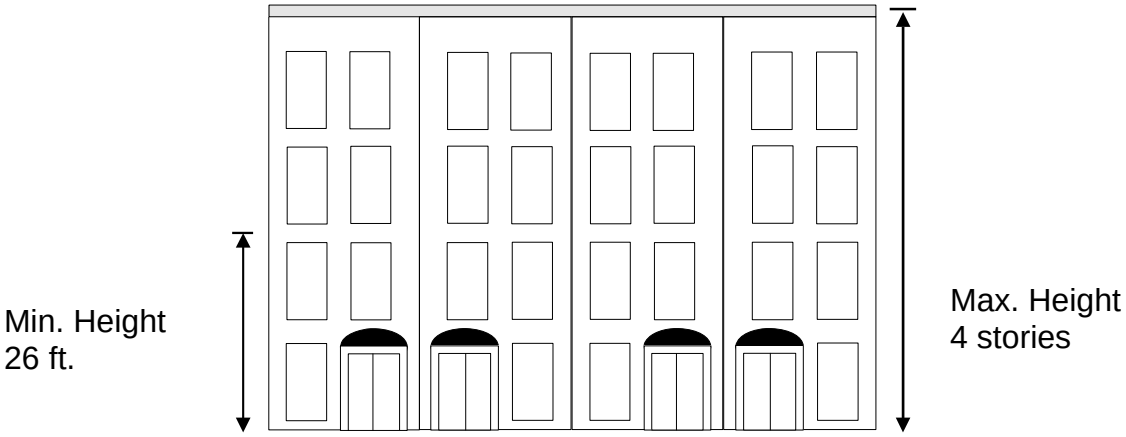
Building Setbacks: **Minimum Front: 0 ft.** **Maximum Front: 10 ft.** **Minimum Side Yard (Principal Structure): 0 ft.** **Minimum Side Yard (Accessory Structure): 5 feet** **Minimum Rear yard: 10 ft.** **Minimum Lot Width: 16 ft.**	**Building Encroachments:** **Front: 5 ft. (Encroachments into R-O-W permitted on second to fourth story only)** **Exception: Arcades** **Frontage Build-Out:** **Minimum: 70%**

3.7.5 Building Height

Minimum Height
Principal Structures: 26 ft.

Maximum Height
All Structures: 4 Stories

Buildings greater than 4 stories require a *Special Use Permit.*



3.7.6-A General Provisions for TC-1 District

A. Canopies and awnings are permitted to encroach into the front setback up to 5 feet. Arcades are permitted to encroach into the ROW with permission from the Town and/or the State DOT. Open decks and patios are permitted to encroach into the rear setback.

B. Accessory structures are incidental to the principal use. Accessory buildings, pools, satellite dishes and other similar structures shall be constructed in the rear yard only and shall be set back a minimum of 5 feet. from the side and 10 feet from the rear property lines. Two or more garages, each located on a separate lot, may be attached to each other at the property line. In such cases, side yard setbacks are not required.

C. Drive-through windows and services shall be in accordance with Chapter 4 - Uses Permitted with Additional Requirements.

D. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and shall be screened from view from all abutting properties. Satellite dishes less than 3 feet in diameter are exempt.

E. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls shall be designed as the extension of the building walls. Side and rear yard fences may not exceed 6 feet in height.

F. The following uses are permitted within accessory structures: parking, gazebo, pool house, equipment storage, artist studio space, sauna, workshop, and conservatory.

G. Trash containers, mechanical equipment and outdoor storage shall be located in the rear yard and shall be screened from view with a wood fence, brick wall, landscaping or any combination thereof, and shall be set back 5 feet from the side and 10 feet from the rear property lines.

3.8 Commercial Planning District (C)

3.8.1 Intent

The **Commercial Planning District** accommodates a wide range of existing commercial sites. Uses within this district will serve not only the Elon community, but travelers along the US 70 and NC 100 Corridors. The intent of this district is to provide an opportunity for economic development with convenient automobile access, minimal traffic congestion and reduced visual clutter along designated commercial corridors.

Because of the scale and access requirements of uses in this category, they are often not compatible within the Town Center or Neighborhood Center Districts. District design guidelines encourage construction of buildings that relate to Elon's small-town character. Development at district boundaries will provide a compatible transition to uses outside the district. Frontage along major arterial roads requires formal street tree plantings. Buildings are required to relate to the street with a more pedestrian scale. Parking is generally permitted to the side or rear of buildings only.

3.8.2 Permitted Uses *(Amended 10/15/2019)*

Uses permitted by right:
- civic, cultural, club, fraternal, and community facilities
- commercial uses – retail, service, finance, office, and wholesale (indoor)
- contractor offices and accessory storage yards, excluding the storage of general construction equipment and vehicles
- entertainment uses, indoor (theaters)
- indoor amusement facilities
- motels and hotels
- solar energy system (level 1)
- pawnshops and second-hand shops
- live/work units

Permitted Accessory Uses With Requirements:
- commercial outdoor kennels (4.19)
- drive-through windows, excluding those associated with restaurants (4.22)
- commercial communication towers (4.18)
- temporary accessory structures (4.47)

Uses Permitted with Requirements:
- car wash (4.8)
- churches and religious institutions (4.15)
- essential services (utilities) 1 and 2 (4.24)
- commercial gasoline stations, including major service & repair shops (4.28)
- recreation facilities, parks & greenways (4.39)
- outdoor recreation and amusement facilities (driving range, putt-putt) (4.33)
- outdoor sales, display, and service of vehicles, boats, heavy equipments, and manufactured homes (4.34)
- outdoor storage (4.36)
- colleges and universities (4.14)
- solar energy system 600 square feet to ½ acre (level 2) (4.44.1)
- schools, elementary or secondary (4.43)
- outdoor sale of goods (temporary) (4.35)
- transit shelters (4.47)

Uses Requiring a Special Use Permit
- adult establishments (4.2)
- commercial & workplace uses exceeding 30,000 S.F, gross floor area (4.20)
- unified commercial developments (4.49)

Appropriate Building and Lot Types:
- civic buildings – up to 16,000 SF of first floor area
- live/work unit - up to 3,000 SF first floor area
- storefront - up to 30,000 SF gross floor area
- workplace - up to 30,000 SF gross floor area

3.8.3 General Design Requirements in the Commercial Planning District

A. Along existing streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets may be considered compatible.
- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

B. On new streets, allowable building and lot types will be used to establish the development pattern.

C. Where screening is required by Chapter 5 for activities involving any sale, uses, repair, storage, or cleaning operation, the specified standards will apply.

D. Commercial Planning Districts must be bordered on at least one side by a major or minor thoroughfare, as specified on the adopted Burlington-Graham Urban Area Thoroughfare Plan.

E. The arrangement of multiple buildings on a single lot will be done in a manner to establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

F. Every building lot must have frontage upon a public street or square except as follows:
   1. in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Commercial District
   2. a private drive may be substituted for the interior street which cannot be connected to the public network.

G. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.

H. A single row of off-street parking may be placed in front of a non-residential building in the Commercial Planning District, only if there is insufficient space to the side or rear of the building to provide adequate parking. Such parking may be provided at a 45º or 90 º angle to the front building façade. It must be adjacent the building and served by an interior circulation drive or aisle at least 12 feet wide. A three (3) foot masonry wall, opaque wooden fence, or hedge must be provided between the parking area and the sidewalk.

I. See Section 7.1 for improvements required in all new developments.

3.8.4 Lot and Building Placement

Building Setbacks:
Front: 10 ft.

Side:
abutting residential: 10 ft.
abutting non-residential: 0 ft.

Rear: 15 ft.

Accessory Structure Setback: 10 ft.

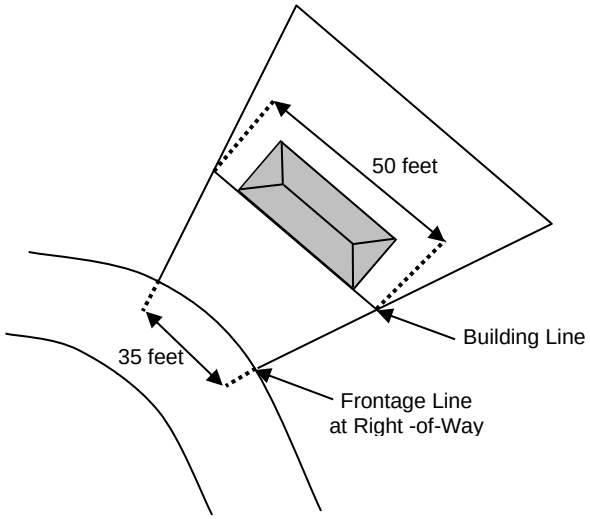
Parking & Storage Area Setbacks: Parking and storage areas must be setback a minimum of 10 feet from all property lines.

Where non-residential buildings exist within the same block, required building setbacks must be an average of those observed.

3.8.5 Lot Width

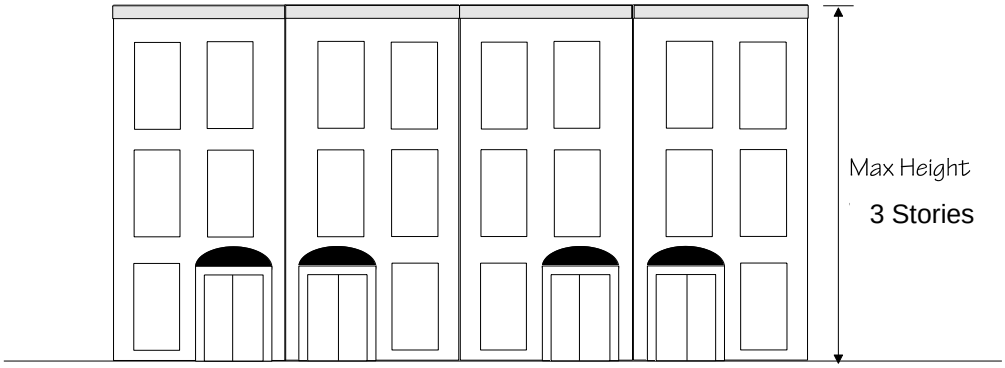
All lots must front along a minimum of 35 ft. of publicly dedicated R-O-W in order to be built on.

Minimum lot width at building line: 50 ft.



3.8.6 Building Height

Maximum Height
All Structures: 3 Stories



3.8.7 General Design Requirements for Commercial Planning District

A. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 5 ft.
B. Accessory buildings, satellite dishes and other similar structures must be constructed in the rear yard only and must be set back a minimum of 5 ft. from the side and rear property lines.
C. Drive-through windows and services must be in accordance with Chapter 4 - Uses Permitted with Additional Requirements.
D. Driveways to parking areas must not exceed 24 feet in width (2 lanes) or 12 feet in width (1 lane) except as required by the Town of Elon or NC DOT.
E. All ancillary equipment or facilities (gasoline pumps, car washes, etc.) must be to the side or rear of the principal building.
F. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and must be screened from view from all abutting properties. Satellite dishes less than 3 feet in diameter are exempt from these provisions.
G. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls must not exceed 4 ft. in height. Side and rear yard fences may not exceed 6 feet in height.
H. Trash containers, mechanical equipment and outdoor storage must be located in the rear yard and must be screened from view with a wood fence, brick wall, landscaping or any combination thereof.
I. Entrance canopies must face the street.
J. Main pedestrian access must be in the front half of the building nearest the fronting street.
K. Bays and garage entrances may not face the fronting street.

3.9 Office and Institutional Planning District (O&I)

3.9.1 Intent

The **Office and Institutional Planning District** is intended to accommodate a variety of moderate scale existing office, community institutional and public uses, with some infill opportunities.

District design guidelines encourage construction of buildings that relate to Elon's small-town character. Development at district boundaries must provide a compatible transition to uses outside the district. Frontage along major arterial roads requires formal street tree plantings. Buildings are required to relate to the street with a more pedestrian scale. Parking is generally permitted to the side or rear of buildings only.

3.9.2 Permitted Uses *(Amended 10/15/2019)*

Uses permitted by right:
- churches
- civic, cultural, club, fraternal, and community facilities
- day care facilities
- professional, medical, service or financial offices, (up to 30,000 SF of gross floor area)
- live/work units
- solar energy system (level 1)

Uses requiring a Special Use Permit
- commercial and workplace uses exceeding 30,000 S.F, gross floor area (4.20)
- unified commercial developments (4.49)
- solar energy system ½ acre to10 acres (level 3) (4.44.1)
- solar energy system greater than 10 acres (level 4) (4.44.1)

Permitted Accessory Uses With Requirements:
- commercial outdoor kennels (4.19)
- drive-through windows & services, excluding those associated with restaurants (4.22)
- commercial communication towers (4.18)
- temporary accessory structures (4.47)

Uses Permitted with Requirements:
- essential services (utilities) 1 and 2 (4.24)
- food trucks (4.24.1)
- family care homes (4.11)
- congregate care homes (4.9)
- group care homes (4.10)
- recreation facilities, parks & greenways (4.39)
- nursing and convalescent homes (4.9)
- colleges and universities (4.14)
- schools, elementary or secondary (4.43)
- transit shelters (4.47)
- solar energy system 600 square feet to ½ acre (level 2) (4.44.1)

Appropriate Building and Lot Types:
- civic buildings – up to 16,000 SF of first floor area
- live/work units - up to 3,000 SF of first floor area
- storefront - up to 30,000 SF gross floor area
- workplace - up to 30,000 SF gross floor area

3.9.3 General Design Requirements in the Office & Institutional Planning District

A. Along existing streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

   - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets may be considered compatible.
   - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

B. On new streets, allowable building and lot types will be used to establish the development pattern.
C. The arrangement of multiple buildings on a single lot will be done in a manner to establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
D. Every building lot must have frontage upon a public street or square except as follows:
   1. in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Office & Institutional Planning District.
   2. a private drive may be substituted for the interior street which cannot be connected to the public network.
E. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.
F. A single row of off-street parking may be placed in front of a non-residential building in the Office & Institutional Planning District, only if there is insufficient space to the side or rear of the building to provide adequate parking. Such parking may be provided at a 45º or 90 º angle to the front building façade. It must be adjacent the building and served by an interior circulation drive or aisle at least 12 feet wide. A three (3) foot masonry wall, opaque wooden fence, or hedge must be provided between the parking area and the sidewalk.
G. See Section 7.1 for improvements required in all new developments.

3.9.4 Lot and Building Placement

Building Setback:
Front: 30 ft.
Side: 10 ft.
Rear: 15 ft.

Accessory Structure Setback: 10 ft.

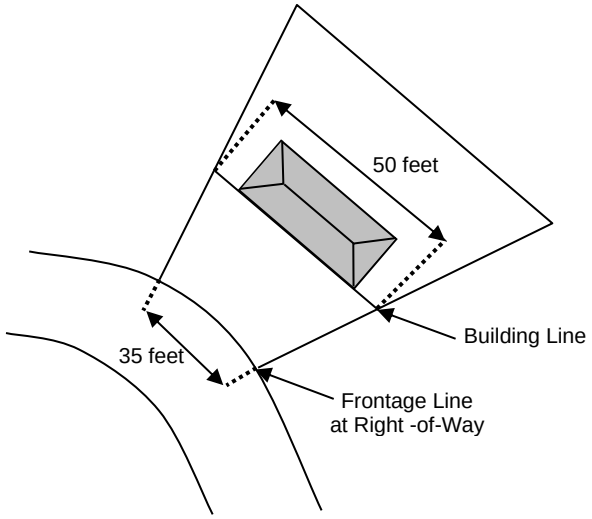
Parking & Storage Area Setbacks:
Parking and storage areas must be setback a minimum of 10 ft. from all property lines.

Where non-residential buildings exist within the same block, required building setbacks must be an average of those observed.

3.9.5 Lot Width

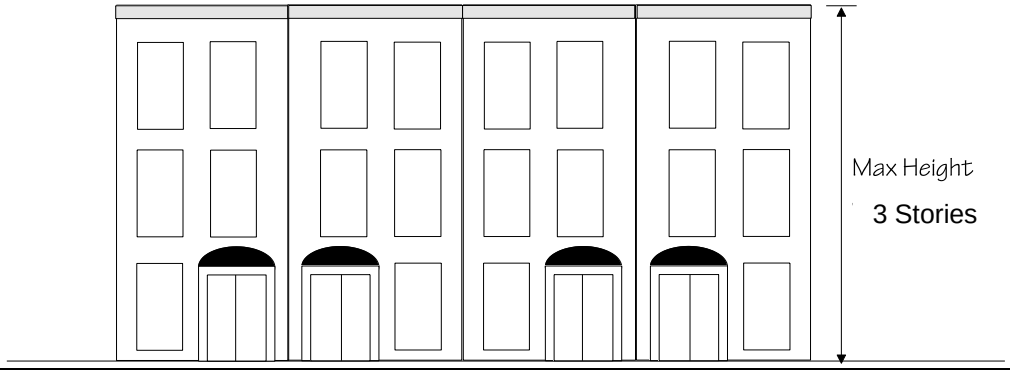
All lots must front along a minimum of 35 ft. of publicly dedicated R-O-W in order to be built on.

Minimum lot width at building line: 50 ft.



3.9.6 Building Height

Maximum Height
All Structures: 3 Stories



3.9.7 General Design Requirements for Office & Institutional Planning District

A. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 5 ft.
B. Accessory buildings, satellite dishes and other similar structures must be constructed in the rear yard only and must be set back a minimum of 5 ft. from the side and rear property lines.
C. Drive-through windows and services must be in accordance with Chapter 4 - Uses Permitted with Additional Requirements.
D. Driveways to parking areas must not exceed 24 feet in width (2 lanes) or 12 feet in width (1 lane) except as required by the Town of Elon or NC DOT.
E. All ancillary equipment or facilities (gasoline pumps, car washes, etc.) must be to the side or rear of the principal building.
F. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and must be screened from view from all abutting properties. Satellite dishes less than 3 feet in diameter are exempt from these provisions.
G. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls must not exceed 4 ft. in height. Side and rear yard fences may not exceed 6 feet in height.
H. Trash containers, mechanical equipment and outdoor storage must be located in the rear yard and must be screened from view with a wood fence, brick wall, landscaping or any combination thereof.
I. Entrance canopies must face the street.
J. Main pedestrian access must be in the front half of the building nearest the fronting street.
K. Bays and garage entrances may not face the fronting street.

3.10 Public Institutional Planning District (PI)

3.10.1 Intent

The **Public Institutional Planning District** is intended to accommodate primarily large-scale public, educational and institutional uses.

District design guidelines encourage construction of buildings that relate to Elon's small-town character. Development at district boundaries must provide a compatible transition to uses outside the district. Frontage along major arterial roads requires formal street tree plantings. Buildings are required to relate to the street with a more pedestrian scale.

3.10.2 Permitted Uses *(Amended 10/15/2019)*

Uses permitted by right:
- churches
- civic, cultural, club, fraternal, and community facilities
- children's homes
- college or university administrative and classroom uses
- hospitals
- live/work units
- solar energy system (level 1)

Permitted Accessory Uses With Requirements:
- commercial outdoor kennels (4.19)
- drive-through windows & services, excluding those associated with restaurants (4.22)
- commercial communication towers (4.18)
- temporary accessory structures (4.47)

Uses Permitted with Requirements:*
- essential services (utilities) 1 and 2 (4.24)
- family care homes (4.11)
- food trucks (4.24.1)
- congregate care homes (4.9)
- group care homes (4.10)
- group quarters housing (dormitories) (4.26)
- recreation facilities, athletic facilities, parks and greenways (4.39)
- nursing and convalescent care homes (4.9)
- colleges and universities (4.14)
- schools, elementary or secondary (4.43)
- transit shelters (4.47)
- solar energy system 600 square feet to ½ acre (level 2) (4.44.1)

Uses Requiring a Special Use Permit
- commercial and workplace uses exceeding 30,000 SF gross floor area (4.20)
- civic, educational, and institutional uses exceeding 70,000 SF gross floor area
- buildings greater than 3 stories in height (4.7)
- event facilities
- unified commercial developments (4.49)
- commercial communication towers (4.18)
- solar energy system ½ acre to10 acres (level 3) (4.44.1)
- solar energy system greater than 10 acres (level 4) (4.44.1)

Appropriate Building and Lot Types:
- civic, educational and institutional buildings – up to 70,000 SF gross floor area
- live/work units - up to 3,000 SF first floor area
- storefront - up to 30,000 SF gross floor area
- workplace - up to 30,000 SF gross floor area

3.10.3 General Design Requirements in the Public Institutional Planning District

A. Along existing streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

   - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

B. On new streets, allowable building and lot types will be used to establish the development pattern.
C. The arrangement of multiple buildings on a single lot must be done in a manner to establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.
D. Every building lot must have frontage upon a public street or square except as follows:
   1. in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Public Institutional District
   2. a private drive may be substituted for the interior street which cannot be connected to the public network.
E. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.
F. A single row of off-street parking may be placed in front of a non-residential building in the Public Institutional Planning District only if there is insufficient space to the side or rear of the building to provide adequate parking. Such parking may be provided at a 45º or 90 º angle to the front building façade. It must be adjacent the building and served by an interior circulation drive or aisle at least 12 feet wide. A three (3) foot masonry wall, opaque wooden fence, or hedge must be provided between the parking area and the sidewalk.
G. See Section 7.1 for improvements required in all new developments.

3.10.4 Lot and Building Placement

Building Setback:
Front: 30 ft.
Side: 10 ft.
Rear: 25 ft.

Accessory Structure Setback: 10 ft.

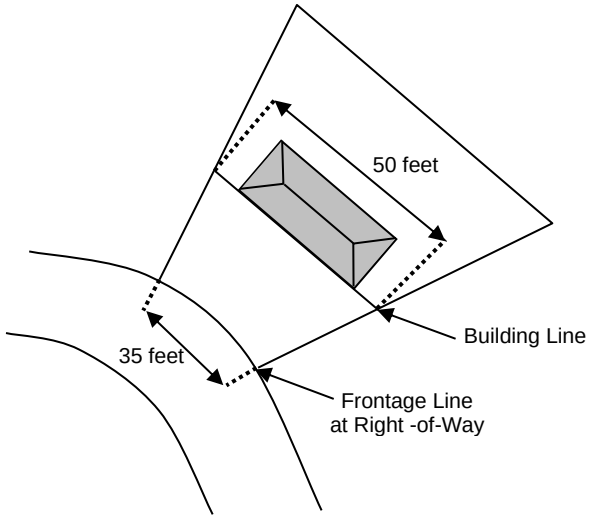
Parking & Storage Area Setbacks:
Parking and storage areas must be setback a minimum of 10 ft. from all property lines.

Where non-residential buildings exist within the same block, required building setbacks must be an average of those observed.

3.10.5 Lot Width

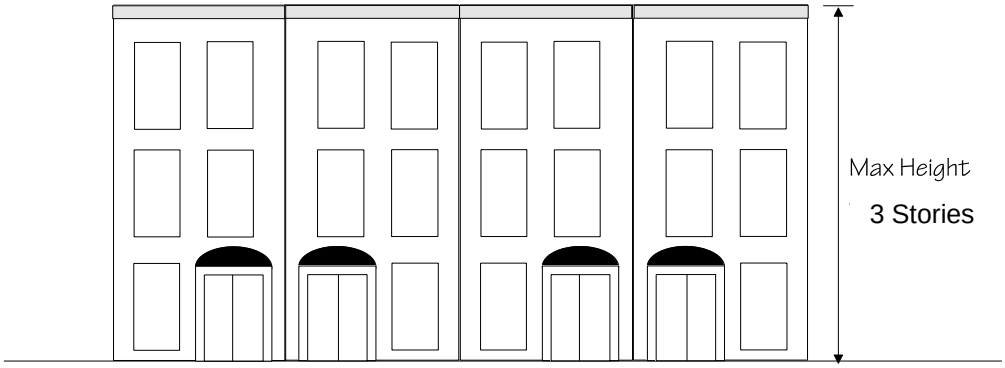
All lots must front along a minimum of 35 ft. of publicly dedicated R-O-W in order to be built on.

Minimum lot width at building line: 50 ft.



3.10.6 Building Height

Maximum Height
All Structures: 3 Stories
Buildings greater than 3 stories in height require a Special Use Permit



3.10.7 General Design Requirements for Public Institutional Planning District

A. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 5 ft.
B. Accessory buildings, satellite dishes and other similar structures must be constructed in the rear yard only and must be set back a minimum of 5 ft. from the side and rear property lines.
C. Drive-through windows and services must be in accordance with Chapter 4 - Uses Permitted with Additional Requirements.
D. Driveways to parking areas must not exceed 24 feet in width (2 lanes) or 12 feet in width (1 lane) except as required by the Town of Elon or NC DOT.
E. All ancillary equipment or facilities (gasoline pumps, car washes, etc.) must be to the side or rear of the principal building.
F. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and must be screened from view from all abutting properties. Satellite dishes less than 3 feet in diameter are exempt from these provisions.
G. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls must not exceed 4 ft. in height. Side and rear yard fences may not exceed 6 feet in height.
H. Trash containers, mechanical equipment and outdoor storage must be located in the rear yard and must be screened from view with a wood fence, brick wall, landscaping or any combination thereof.
I. Entrance canopies must face the street.
J. Main pedestrian access must be in the front half of the building nearest the fronting street.
K. Bays and garage entrances may not face the fronting street.

3.11 Industrial Planning District (IND)

3.11.1 Intent

The **Industrial Planning District** accommodates existing and future manufacturing, wholesale and warehousing uses. The district is intended to enhance the economic viability of the Town while imposing significant impacts to adjacent properties.

Because of the scale and access requirements of uses in this category, they are often not compatible within the Town Center or Neighborhood Center Districts. District design guidelines encourage construction of buildings that relate to Elon's small-town character. Development at district boundaries must provide a compatible transition to uses outside the district. Frontage along major arterial roads requires formal street tree plantings. Buildings are required to relate to the street with a more pedestrian scale. Parking is generally permitted to the side or rear of buildings only.

3.11.2 Permitted Uses *(Amended 10/15/2019)*

Uses Permitted By Right:
- manufacturing, packaging and assembly - indoor (up to 90,000 SF of gross floor area)
- wholesale and warehouse uses - indoor (up to 90,000 SF of gross floor area)
- horticultural sales - outdoor
- contractor offices
- solar energy system (level 1)

Permitted Accessory Uses With Requirements:
- commercial communication towers (4.18)
- temporary accessory structures (4.47)

Uses Permitted with Requirements:
- essential services (utilities) 1 and 2 (4.24)
- commercial gasoline stations, including major service & repair shops (4.28)
- food trucks (4.24.1)
- outdoor sales, display, and service of vehicles, boats, heavy equipment, and manufactured homes (4.34) *
- outdoor storage (4.36)
- outdoor storage of construction equipment (4.37)
- outdoor sale of goods (temporary) (4.35)
- transit shelters (4.47)
- solar energy system 600 square feet to ½ acre (level 2) (4.44.1)

Uses Requiring a Special Use Permit
- adult establishments (4.2)
- agricultural processing plant (4.4)
- commercial & workplace uses exceeding 90,000 S.F, gross floor area (4.20.1)
- transfer station of organic & inorganic waste (4.46)
- recycling center (4.25)
- off-site land clearing and inert debris land fill (4.31)
- slaughter house or packing plant (4.44)
- trucking and transportation terminals (4.48)
- warehouses – mini-warehouses and self-storage facilities (4.50)
- unified commercial developments (4.49)
- commercial uses – retail, service, finance, office, and wholesale (indoor – up to 7000 sq ft max.) (4.19.1)
- commercial communication towers (4.18)
- solar energy system ½ acre to10 acres (level 3) (4.44.1)
- solar energy system greater than 10 acres (level 4) (4.44.1)

Appropriate Building and Lot Types:
- storefront - up to 30,000 SF gross floor area
- workplace (industrial and office) - up to 90,000 SF gross floor area

3.11.3 General Design Requirements in the Industrial Planning District

A. Along existing streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets may be considered compatible.
- New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

B. On new streets, allowable building and lot types will be used to establish the development pattern.

C. Where screening is required by Chapter 5 for activities involving any sale, uses, repair, storage, or cleaning operation, the specified standards must apply.

D. Industrial Planning Districts must be bordered on at least one side by a major or minor thoroughfare.

E. The arrangement of multiple buildings on a single lot must be done in a manner to establish building facades generally parallel to the frontage property lines along existing streets and proposed interior streets.

F. Every building lot must have frontage upon a public street or square except as follows:
   1. in specific locations where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection in the Industrial District
   2. a private drive may be substituted for the interior street which cannot be connected to the public network.

G. The operation of facilities may not cause a nuisance to adjacent property owners in the form of dust, odor, vibration, or noise.

H. A single row of off-street parking may be placed in front of a non-residential building in the Industrial Planning District only if there is insufficient space to the side or rear of the building to provide adequate parking. Such parking may be provided at a 45º or 90º angle to the front building façade. It must be adjacent the building and served by an interior circulation drive or aisle at least 12 feet wide. A three (3) foot masonry wall, opaque wooden fence, or hedge must be provided between the parking area and the sidewalk.

I. See Section 7.1 for improvements required in all new developments.

3.11.4 Lot and Building Placement

Building Setback:
Front: 50 ft.
Side: 30 ft.
Rear: 30 ft.

Accessory Structure Setback: 15 ft.

Parking & Storage Area Setback:
Parking and storage areas must be setback a minimum of 10 ft. from all property lines.

Where non-residential buildings exist within the same block, required building setbacks must be an average of those observed.

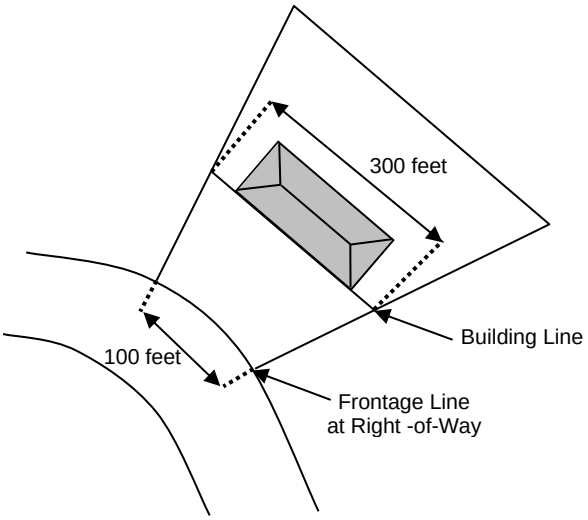
3.11.5 Lot Size and Width

Minimum Lot Size: 87,000 sq. ft. (2 ac.)

Minimum Lot Width at Building Line: 300 ft.

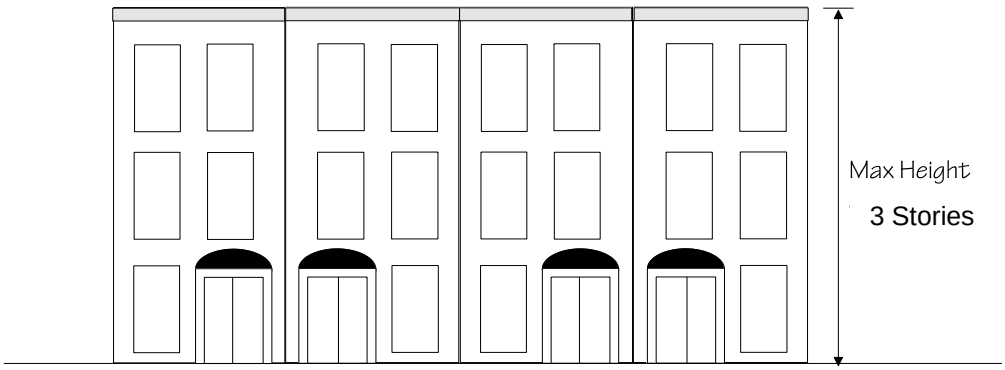
Minimum Street Frontage: 100 ft. along a publicly dedicated road right-of-way.

Maximum Impervious Surface Lot Coverage: 40%



3.11.6 Building Height

Maximum Height
All Structures: 3 Stories



3.11.7 General Design Requirements for Industrial Planning District

A. Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback a maximum of 5 ft.

B. Accessory buildings, satellite dishes and other similar structures must be constructed in the rear yard only and must be set back a minimum of 15 ft. from the side and rear property lines.

C. Driveways to parking areas must not exceed 24 feet in width (2 lanes) or 12 feet in width (1 lane) except as required by the Town of Elon or NC DOT.

D. All ancillary equipment or facilities (gasoline pumps, car washes, etc.) must be to the side or rear of the principal building.

E. Satellite dishes may not exceed 15 feet in height, 8 feet in diameter, and must be screened from view from all abutting properties. Satellite dishes less than 3 feet in diameter are exempt from these provisions.

F. Hedges, garden walls, or fences may be built on property lines. Front yard fences and walls must not exceed 4 ft. in height. Side and rear yard fences may not exceed 6 feet in height.

G. Trash containers, mechanical equipment and outdoor storage must be located in the rear yard and must be screened from view with a wood fence, brick wall, landscaping or any combination thereof.

H. Entrance canopies must face the street.

I. Main pedestrian access must be in the front half of the building nearest the fronting street.

J. Bays and garage entrances may not face the fronting street.

3.12 Traditional Neighborhood Development Overlay District (TND-O)

3.12.1 Intent

The traditional neighborhood development overlay (TND-O) district provides an alternative to conventional large-lot, single-use subdivisions. The TND Overlay encourages development of neighborhoods with small blocks, interconnected, pedestrian-oriented streets and sidewalks, and a mixture of buildings, uses, and public spaces. The intent of this overlay district is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation. The TND Overlay District calls for neighborhoods with a recognizable center and clearly defined edges. The optimum size is a quarter mile from center to edge – about a fifteen minute walk. TNDs contain a mixture of uses and housing types in close proximity to one another and have a variety of civic buildings and public spaces which are prominently sited, to provide a strong sense of community. The TND Overlay District may be applied in all general planning districts through map adoption for TNDs with completed designs and overlay district approval.

3.12.2 Permitted Uses

Uses Permitted By Right:
- bed and breakfast inns
- churches
- civic, cultural, club, fraternal, and community facilities, (excluding correctional & waste management facilities)
- commercial uses – retail, service, and office, (excluding wholesaling)
- congregate housing
- entertainment uses (theaters, putt-putt)
- multi-family attached homes – apartments, live/work units, condominiums, town homes.
- multi-family dwellings above commercial
- office uses
- offices above retail
- single family detached homes
- solar energy system (level 1)

Permitted Accessory Uses With Requirements:
- accessory dwelling (4.1)
- day care home (4.21)
- drive-through windows & services, excluding those associated with restaurants (4.22)

Uses Permitted with Requirements:
- boarding or rooming houses for up to four roomers (4.6)
- daycare centers (4.21)
- essential (utility) services 1 and 2 (4.24)
- neighborhood center (see 3.6 above)
- village center (see 3.6 above)
- parking lot as principle use (4.38)
- recreation facilities, parks & greenways (4.39)
- schools, elementary or secondary (4.43)
- transit shelters (4.47)
- outdoor storage - sale of goods at street front - when goods are removed at closing (4.36) – allows farmers market

Appropriate Building and Lot Types:
- apartments
- attached houses
- civic buildings
- detached houses
- live/work units - up to 3,000 SF first floor
- multi-family dwellings above commercial
- offices above retail
- storefront - up to 30,000 SF gross floor area
- workplace - up to 30,000 SF gross floor area

3.12.3 General Design Requirements in the TND Overlay District

A. Along existing and proposed streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings. **In the TC-1 Planning District, refer to Section 3.7.3-A.**

1. New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

2. New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

B. On new streets, allowable building and lot types and block types will establish the development pattern.

C. A master plan in compliance with Traditional Neighborhood Development standards must be provided with any application to reclassify property to a TND-O. The master plan must include a topographic survey and show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges.

D. See Section 7.1 for improvements required in all new developments.

3.12.4 TND Development Provisions

A. Minimum Development Size: 20 acres
- TND-Overlay District designation may be applied to all tracts of land (or multiple tracts under common ownership) from 20 to 200 acres in size.
- Tracts less than 20 acres in size may be considered for designation as a TND-Overlay District on a case-by-case basis by the Town Board of Aldermen. To allow for the gradual development of a TND, which may include the participation of several property owners over an extended period of time, a partial TND of less than the minimum number of acres may be considered for approval, so long as the project shows an integrated design for at least the minimum size and the potential to become a TND of at least 20 acres over time.

B. Maximum Development Size: 200 acres
1. Tracts larger than 200 acres must be developed as multiple Traditional Neighborhood Developments, each individually subject to all provisions.

C. Maximum permitted density and the total number of dwelling units is determined by the standards of the underlying district and must be established during the site plan review process as a function of open space design, applicable watershed and water quality protection standards, and permitted building types.

D. All Traditional Neighborhood Developments must follow the preliminary and final plat procedures specified in Chapter 6 – Development Review Process, and Chapter 7 – Development Proposal Requirements.

3.12.5 Traditional Neighborhood Design Guidelines

As Elon continues to grow over time, neighborhoods must serve as the primary building blocks of our community. Each new neighborhood should contain a variety of land uses, arranged to serve the needs of its residents in a convenient, pedestrian-friendly environment as outlined in the following provisions:

A. Neighborhood Form

1. The area of the TND must be divided into blocks, streets, lots, and open space areas.
2. There must be a substantial mix of housing types; No TND may be comprised of all multi-family housing (see Sub-Section 3.12.6 below, for specific requirements).
3. Similar land uses must generally front across each street. Dissimilar categories must generally abut at rear lot lines. Corner lots which front on streets of dissimilar use must generally observe the setback established on each fronting street.
4. Illustrations of traditional neighborhoods are provided (see diagrams below) to show the general arrangement and distribution of design elements in a more urban TND (overlaying the Neighborhood and Urban Residential Districts), and in a less urban TND (overlaying the Rural Residential District).
5. Development in Downtown Elon shall comply with the TC-1 District requirements.

B. Lots and Buildings

- All lots must share a frontage line with a street or square. Rear alley access is encouraged, but not required for lots fronting a square.
- All buildings, except accessory structures, must have their main entrance opening onto a street or square.
- Consistent build-to lines (i.e. minimum and maximum setbacks) must be established along all streets and public space frontages; to determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line must be established on the plan along all streets and public square frontages.
- Building and lot types must comply with Chapter 5 – Design Regulations.
- Large-scale, single use facilities (conference spaces, theaters, athletic facilities, for example) must generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.
- Stoops, open colonnades, and open porches may encroach up to 12 feet into front setbacks.

C. Streets and Alleys

1. All public street and alleyway designs must be approved by the Town of Elon Technical Review Committee (TRC), and comply with the *Traditional Neighborhood Development Guidelines Manual* published by NCDOT and hereby incorporated by reference.
2. Public streets and alleys must provide access to all tracts and lots.
3. The TND street system must be organized according to a hierarchy based on function, size, capacity, and design speed. Therefore, streets and rights-of-way should differ in dimension and be designated and separately detailed on submitted site plans using the street types provided in Section 5.7.5. Site plans should also indicate the placement of buildings, utilities, sidewalks, planting strips, curb and gutter, parallel parking (where appropriate), and travel lanes. Alternative methods of assembling the required street elements may be considered to allow neighborhood street designs that are most appropriate to the setting and proposed uses.

4. All streets and alleys must, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected through-streets surrounding and outside of the TND development.
5. To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided by using some of the following methods:

   (1) a street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic and terminate vistas with a significant feature (building, park, natural feature)

   (2) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space

   (3) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view

   (4) other traffic calming configurations are acceptable if emergency access is adequately provided.
6. Cul-de sacs may not exceed 250 feet in length, must be accessed from a street providing internal and external connectivity, must be permanently terminated by a vehicular turnaround, and are generally only permitted where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable if emergency access is adequately provided.
7. Provision of a continuous network of alleys to the rear of lots is encouraged, where appropriate within a TND.
8. Utilities must run along alleys wherever possible.
9. No block face may have a length greater than 600 feet without a dedicated alley or pathway providing through-access.
10. Lampposts must be installed on both sides of the street in the range of 90 to 110 feet apart.
11. The long axis of the street should have appropriate termination with either a public monument, specifically designed building facade, or a gateway to the ensuing space.

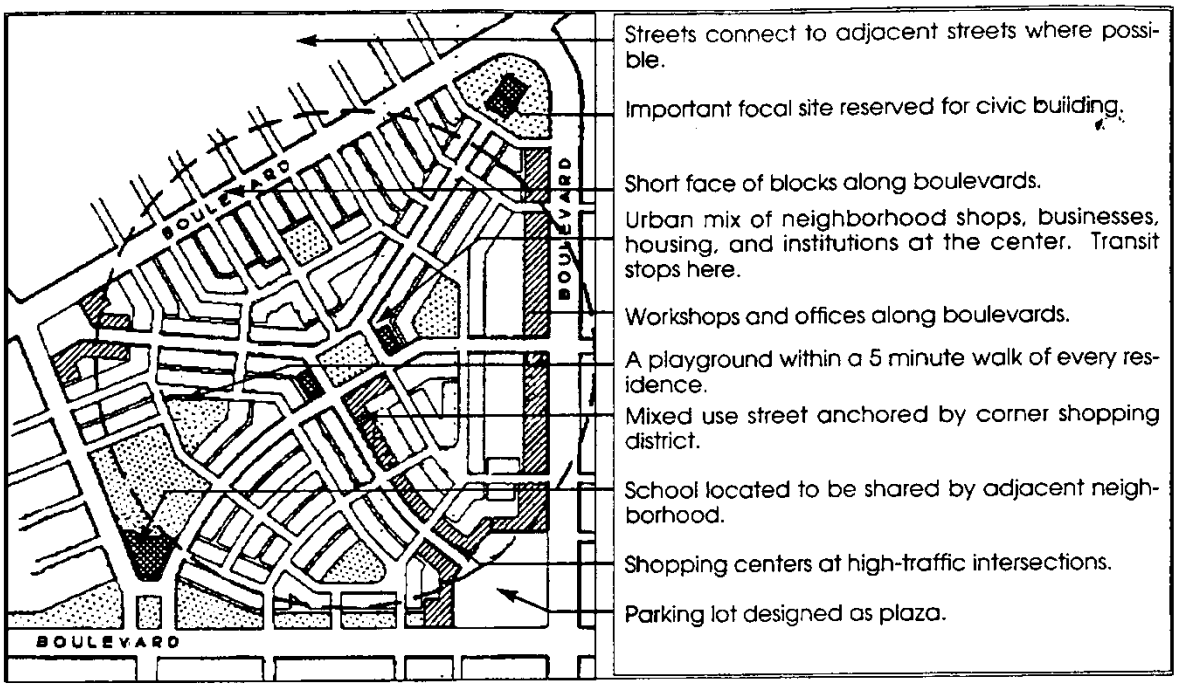
D. Open Space

1. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements. Design of urban and rural open space must comply with Section 5.5.
2. Each new traditional neighborhood must contain, as its central focus, at least one square or park no smaller than one-half acre, and no greater than 3 acres within 500 ft. of the geographical center of the neighborhood. This requirement may be used to fulfill the provisions of Section 5.5 - Open Space Preservation and Design Regulations.
3. No portion of a new neighborhood may be further than one-quarter mile (1,320 ft.) from a park, square, plaza or other form of open space.

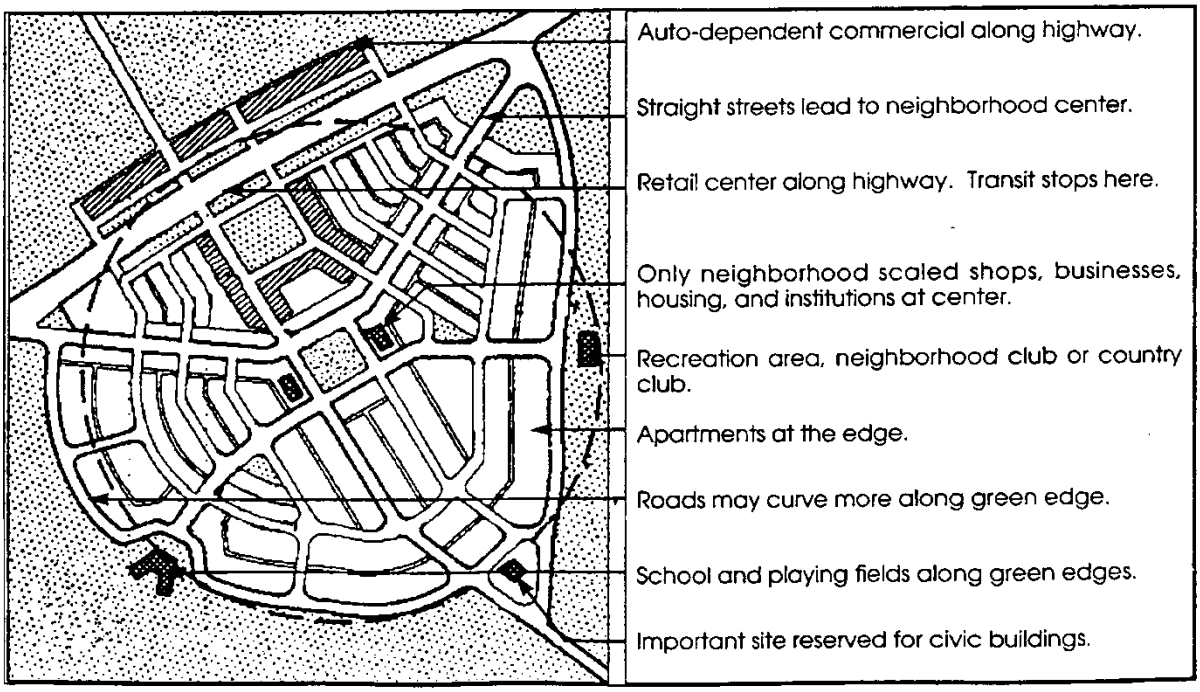
E. Parking and Landscaping

1. Parking and landscaping must comply with all pertinent requirements in Chapter 5 – Design Regulations.

Typical TND Design Characteristics – In More Urban Conditions
(Overlaying the Neighborhood Residential District)



Typical TND Design Characteristics – In More Rural Conditions
(Overlaying the Rural Residential District)



(*TND Illustrations are courtesy of the Town of Mocksville Zoning Ordinance*)

3.12.6 Required Mix of Building Types in the TND Overlay District

A TND-O must contain a mix of building types. The list below specifies the minimum and maximum percentages of units to be developed for each residential building type. Normal rounding rules apply:

Detached Houses	15 to 50%
Attached Houses or Apartments*	10 to 30%
Live/Work Units**	2 to 10%
Multi-Family Dwellings above Commercial**	5 to 20%

The clustering of non-residential uses, especially within designated neighborhood and village centers is strongly encouraged. The following list specifies the minimum and maximum percentages of land area for non-residential building types:

Storefront or Workplace***	2 to 30%
Civic	2 to 15%
Offices above Retail	0 to 15%

* *Attached house includes single family detached houses on lots 50' wide or less.*
****** *Apartments above Commercial may be used in the TC-1 Planning District.*
*** a minimum of *5% combined storefront and workplace is required in developments with 200 feet of street or road frontage or more, exclusive of road rights-of-way, adjacent to all major and minor thoroughfares. A minimum of 2% combined storefront and workplace is required otherwise.*

3.13 Manufactured Home Overlay District (MH-O)

3.13.1 Intent

The **Manufactured Home Overlay District** is established to accommodate existing and allow for some new neighborhoods which include or are proposed to include manufactured homes. The requirements herein are intended to ensure compatibility with existing housing stock by imposing supplemental appearance standards for manufactured housing. The Manufactured Home Overlay District may be applied to tracts designated as Neighborhood Residential. This overlay district supplements the range of residential types permitted in these underlying districts while limiting some accessory uses. New (proposed) manufactured home neighborhoods require designation and approval as a MH Overlay District, accompanied by a detailed development plan and required supporting materials.

3.13.2 Permitted Uses *(Amended 6/15/2021)*

Uses permitted by right:

- all uses permitted by right in the underlying district, according to the standards of the underlying district

Uses Permitted with Requirements:

- all uses permitted with conditions in the underlying district, according to the standards and conditions associated with the underlying district
- Manufactured Homes, provided that:

(a) The home is set up in accordance with the standards set by the North Carolina Department of Insurance.
(b) All wheels, transporting lights, and towing apparatuses are removed.
(c) Class A or AA manufactured or conventional (off-frame) modular homes on individually owned lots
(d) Class A or AA manufactured or conventional (off-frame) modular homes with a minimum roof pitch of 7 vertical feet of rise per 12 feet of horizontal run.
(e) A continuous, permanent brick foundation, unpierced except for required ventilation and access, must be installed under the perimeter of the manufactured home.
(f) Class A or Class B manufactured homes or on-frame modular homes *located within existing manufactured home parks* must have a minimum roof pitch of 7 feet of vertical rise per 12 feet of horizontal run, and must have a continuous, non-flammable, non-combustible skirting or curtain wall (having the appearance of a conventional load-bearing wall), unpierced except for required ventilation and access, installed under the perimeter of the manufactured home.
(g) Replacement of existing manufactured homes must be in compliance with this ordinance, and may not include Class C manufactured homes.
(h) All entrances to a manufactured home must be provided with permanent steps, a porch or a similar suitable entry.
(i) Manufactured homes may not be excluded as a permissible use from this subsection based on the age of the home.

Permitted Accessory Uses With Requirements:

- dwelling accessory to any principal dwelling which meets the NC Residential Building Code (4.1)
- day care home (small), accessory to any principal dwelling which meets the NC Residential Building Code (4.21)
- home occupation accessory to any principal dwelling which meets the NC Residential Building Code (4.29)

Appropriate Building and Lot Types:

- all building and lot types permitted in the underlying zoning district
- manufactured home placed according to the standards for a detached house

3.13.3 General Design Requirements in the Manufactured Home Overlay District

A. Along *existing* streets, new buildings must respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.
   - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
   - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume. Design techniques to reduce the visual perception of size and integrate larger buildings with pre-existing smaller buildings are provided in Sections 5.3 and 5.4.

B. On *new* streets, allowable building and lot types will establish the development pattern.

C. All subdivision standards must be met.

D. Existing manufactured home parks which are not subdivided into individual deeded lots may continue operation but may not be expanded except in conformance with this ordinance and the subdivision ordinance.

E. For proposed manufactured home subdivisions, all homes must be a minimum of Class A, Class AA, or conventional modular homes.

F. For proposed manufactured home subdivisions, an application to classify property to the MH-O district requires a master plan that shows the location and hierarchy of streets and public spaces, location of residential, non-residential, and civic building lots, street sections and/or plans, phasing, and any other information which may be required to evaluate the subdivision's adherence to the standards of this ordinance.

G. Proposed manufactured home neighborhoods must be provided with an emergency shelter, to protect the health, safety, and general welfare of all neighborhood residents during severe weather.

H. See Section 7.1 for improvements required in all new developments.

3.13.4 Development Provisions in the MH Overlay District

A. Minimum Development Size: 5 acres

B. Maximum Development Size: 40 acres

C. Maximum Permitted Density: The total number of permitted dwelling units is determined by the standards of the underlying district and must be established during the site plan review process as a function of open space design, applicable water quality protection standards, and permitted building and lot types.

D. No manufactured home may be located within the 100 year flood plain as identified on the most recent FEMA Flood Insurance Rate Maps.

E. Individual homes must be placed on separately platted lots.

F. Neighborhoods with 20 or more lots must have at least two entrances.

G. Manufactured home subdivisions must follow the platting and subdivision procedures outlined in Chapter 6 – Development Review Process, and Chapter 7 – Development Proposal Requirements.

3.13.5 Manufactured Housing Standards in the MH Overlay District

A. In no instance may a manufactured home be used for a non-residential use.

B. A manufactured home must bear a seal certifying that it was built to the standards adopted on July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

Materials:

- The exterior siding must consist of wood, hardboard, vinyl, brick, or aluminum and must be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- The roof must be finished with a type of shingle that is commonly used in standard residential construction.
- A continuous, permanent brick foundation, unpierced except for required ventilation and access, must be installed upon a poured concrete footer before placement on the lot, and before occupancy.

Configuration:

- Stairs, porches, entrance platforms, and other means of entrance and exit to the manufactured home must be installed and constructed in accordance with the standards set by the NC Department of Insurance.
- The pitch of the roof of the manufactured home must have a minimum vertical rise of seven (7) feet for each twelve (12) feet of horizontal run, or the standard of each individual manufacturer's equivalent to a 7' x 12' roof pitch.
- The roof of the manufactured home must have an overhang (eave) extending at least ten (10) inches from the vertical exterior wall. A site installed gutter may be counted in the width of the eave.
- The front façade of the building must extend parallel to the frontage line.

Techniques:

- The manufactured home must be set up on the site in accordance with the standards set by the NC Department of Insurance.
- The tongue, axels, transporting lights, and removable towing apparatus must be removed after placement on the lot and before occupancy.

3.14 Stream Protection Overlay District (SP-O)

3.14.1 Intent

There are two primary purposes of the stream protection overlay district:

A. To protect public health, safety, and welfare by restricting further land development to only temporary activities with the lightest imprint on the land within the 100-year flood plain. No building in any conventional sense is permitted. The development rights of floodplain land within any parcel may be transferred to other developable areas of that same parcel consistent with the development regulations applicable to the underlying zoning district.
B. To ensure streams and the lands adjacent to streams fulfill their natural functions, to protect the physical integrity of the stream ecosystem, to prevent encroachment upon the stream ecosystems, and to improve and maintain water quality by filtering runoff before detrimental materials reach streams, by requiring minimum vegetated stream buffers on all perennial and intermittent streams within the Town's planning jurisdiction.

3.14.2 Applicability

To provide an additional layer of protection for the Town's stream corridors, the Stream Protection Overlay District is applied to areas within the corporate limits and extraterritorial jurisdiction (ETJ) of Elon designated as being within the 100-year floodplain (as shown on the most recent version of the FEMA Flood Insurance Rate Maps, and to all perennial or intermittent streams within the Town's jurisdiction.

3.14.3 Exceptions to Applicability

A. The Stream Protection Overlay District imposes an additional layer of regulation over existing land development ordinance requirements. When a conflict occurs between the underlying district standards and the overlay standards, the more restrictive must prevail.
B. All land development activities must conform to the Stream Protection Overlay District regulations, except that existing development is not subject to the requirements of this Section. Expansions of existing non-conforming structures may not increase the non-conformity.
C. Variances may be issued for the repair or rehabilitation of historic structures upon determination that the proposed repair or rehabilitation must not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
D. The placement of necessary public utilities.

3.14.4 Permitted Uses within the Floodplain

Uses permitted by right:
- Agriculture and horticulture
- Outdoor sports and recreation
- Land related activities with no permanent structures
- Parks and greenways

Uses Permitted with Requirements:
- none

Permitted Accessory Uses With Requirements:
- none

Uses permitted with a Special Use Permit:
- none

Appropriate Building and Lot Types:
- None

3.14.5 Floodplain Requirements

A. The minimal development allowed in this district must do nothing to mar or disturb the ecological and environmental efficiency of the floodplain land, nor will it disturb or re-grade slopes to any significant elevation or contour changes.

3.14.6 Stream Buffer Requirements

3.14.6.1 Perennial Stream Buffer Requirements:

A. A minimum 50 foot vegetative buffer is required along both sides of all perennial streams. A 25 foot vegetative buffer is required around impoundments along perennial streams.
B. On each side of the stream, the required stream buffer must begin at the edge of the stream channel and extend perpendicular to the stream a distance equal to the lesser of 50 feet, or to a ridge line which changes the runoff flow to be away from the stream.
C. New land development within the required 50-foot perennial stream buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of best management practices (BMPs).
D. Land disturbances and vegetation clearing are prohibited within the stream buffer, except for placement of necessary public utilities.
E. No buildings are permitted within the stream buffer.

3.14.6.2 Intermittent Stream Buffer Requirements:

A. A minimum 30 foot vegetative buffer is required along both sides of all intermittent streams. A 15 foot vegetative buffer is required around impoundments along intermittent streams.
B. On each side of the stream, the required stream buffer must begin at the edge of the stream channel and extend perpendicular to the stream a distance equal to the lesser of 30 feet, or to a ridge line which changes the runoff flow to be away from the stream.
C. New land development within the required 30-foot intermittent stream buffer is limited to flood control, stream bank stabilization, water dependent structures and other public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters, and maximize the utilization of best management practices (BMPs).
D. Land disturbances and vegetation clearing are prohibited within the stream buffer.
E. No buildings are permitted within the stream buffer, except for placement of necessary public utilities.

3.14.7 Exceptions to Prescribed Land Management Practices within Stream Buffers

A. The following land uses are permitted within the stream buffers subject to the requirement that the lands adjacent to these uses that are disturbed as a result of these uses are stabilized and replanted with native vegetation:

1. Near perpendicular (75 degrees or greater) utility stream crossings approved by the rest of this ordinance;
2. Parallel utility installation approved by the rest of this ordinance;
3. Near perpendicular (75 degrees or greater) stream crossings by greenway trails, bicycle paths, sidewalks, and other pedestrian path approved by the rest of this ordinance;
4. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the stream buffers (do not require specific plan approval);
5. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the stream (do not require specific plan approval);
6. Incidental drainage improvements or repairs for maintenance (do not require specific plan approval);
7. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act.

B. Other land uses within the stream buffers may be approved as part of a development plan subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the stream's water quality and ecological integrity.

C. The continuation of existing agricultural uses.

3.15 Summary of Non-Residential District Development Requirements

District Development Requirements	NC & VC	TC	TC -1	C	O&I	PI	IND
Minimum Lot Size	-	-	-	-	-	-	2 Acres (87,000 S.F.)
Maximum Lot Size	Diameter: NC – 1/8 mile VC – 1/4 mile	-	-	-	-	-	-
Minimum Lot Width at Building Line	16 ft.	16 ft. (attached housing & shopfront bldgs.)	16 ft.	50 ft.	50 ft.	50 ft.	300 ft.
Maximum Front Yard Encroachment	5 ft. (2^{nd} & 3^{rd} story)	5 ft. (except arcades)	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Minimum Road ROW Frontage	16 ft.	16 ft.	16 ft.	35 ft.	35 ft.	35 ft.	100 ft.
Front Yard Setback (from Road ROW)	10 ft. (min) 25 ft. (max)	0 ft. (min) 10 ft. (max)	0 ft. (min) 10 ft. (max)	10 ft.	30 ft.	30 ft.	50 ft.
Rear Yard Setback	10 ft.	10 ft.	10 ft.	15 ft.	15 ft.	25 ft.	30 ft.
Side Yard Setback (for Principal Structure)	0 ft.	0 ft.	0 ft.	0 ft. (10 ft. next to residential)	10 ft.	10 ft.	30 ft.
Corner Lot Side Yard Setback Fronting *Minor* T.F.: Fronting *Major* T.F.:	-	-	-	-	-	-	-
Accessory Structure Setback (Side & Rear Yard)	5 ft.	5 ft.	5 ft.	10 ft.	10 ft.	10 ft.	15 ft.
Alley-Accessed Garage Setback	-	-	-	-	-	-	-
Open Space Preservation	-	-	-	-	-	-	-
Maximum Impervious Surface Lot Coverage	-	-	-	-	-	-	30%
Maximum Principal Building Height: Maximum Accessory Building Height:	2-stories 3-stories (TND)	Min – 26 ft. Max – 3-stories >3-stories (SUP)	Min – 26 ft. Max – 4 stories > 4 stories (SUP)	Max – 3-stories	Max – 3-stories	Max – 3-stories >3-stories (SUP)	Max – 3-stories
Minimum Frontage Build-Out	70%	70%	70%	-	-	-	-

*[*or provide payment in lieu of open space dedication with approval as provided in Chapter 5 – Design Regulations*]

3.16 Summary of Overlay District Development Requirements

District Development Requirements	TND-O	MH-O
Minimum Lot Size	20 Acres	5 Acres
Maximum Lot Size	200 Acres	40 Acres
Minimum Lot Width at Building Line	-	-
Maximum Front Yard Encroachment	12 ft. into setback (3.12.5 B)	
Minimum Road ROW Frontage	-	-
Front Yard Setback (from Road ROW)	-	-
Rear Yard Setback	-	-
Side Yard Setback (for Principal Structure)	-	-
Corner Lot Side Yard Setback Fronting *Minor* T.F.: Fronting *Major* T.F.:	-	-
Accessory Structure Setback (Side & Rear Yard)	-	-
Alley-Accessed Garage Setback	-	-
Open Space Preservation	Min. 1-3 acres within 500 ft. of a Neighborhood Center	-
Maximum Impervious Surface Lot Coverage	-	-
Maximum Principal Building Height: Maximum Accessory Building Height:	-	-
Minimum Frontage Build-Out	-	-

*[*or provide payment in lieu of open space dedication with approval as provided in Chapter 5 – Design Regulations*]

CHAPTER 4 - Uses Permitted With Additional Requirements

4.1 Accessory Dwelling

A. An accessory dwelling may be attached, within, or separate from the principal dwelling.
B. The principal use of the lot must be a detached or attached dwelling, built to the standards of the North Carolina State Building Code and local ordinances.
C. No more than one accessory dwelling will be permitted on a single deeded lot in conjunction with the principal dwelling unit.
D. The accessory dwelling must be owned by the same person as the principal dwelling.
E. The accessory dwelling may not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
F. A detached accessory dwelling may be housed in a building not exceeding 650 square feet of first floor area (maximum footprint); the structure may be a dwelling only, or may combine a dwelling with a garage, workshop, studio, or similar use.
G. A detached accessory dwelling must be located in the established rear yard and meet the standards for the applicable building type (Chapter 5). No structure may be located in any required setback.

4.2 Adult Establishments

The intent of these conditions is to prevent the concentration of adult establishments, and to separate adult establishments from residential neighborhoods, schools, religious institutions, child care centers, parks, and play grounds. Adult establishments are permitted in the Highway Commercial Planning District subject to the following conditions:

A. Any structure in which an adult establishment is the principle or accessory use must be separated by a distance of at least one thousand (1,000) feet from any of the following principle or accessory uses: dwelling units, schools, colleges and universities, religious institutions, child care centers, public parks, playgrounds, hospitals, medical facilities, and government building - as measured from property line to property line by a straight line (not street distance).
B. Any structure in which an adult establishment is the principle or accessory use must be separated by a distance of at least two hundred (200) feet from any planning district other than the Highway Commercial Planning District - as measured from property line to district boundary line by a straight line (not street distance).
C. Any structure in which an adult establishment is the principle or accessory use must be separated by a distance of at least one thousand (1000) feet from any existing or permitted adult establishment - as measured from property line to property line by a straight line (not street distance).
D. No more than one adult establishment may be located within the same structure or on the same deeded lot.
E. An adult establishment lawfully operated as a conforming use is not rendered a nonconforming use by the subsequent location of a house, church, school, public park, child care center, or residential district with respect to the spacing requirements above.
F. All existing adult establishments that are nonconforming may be granted a two (2) calendar year amortization period from the effective date of this ordinance, at the end of which time each adult establishment must either come into compliance with the requirements of this ordinance or discontinue the nonconforming aspects of its operation.

4.3 Agricultural Industry

Within the RR, Rural Residential District, Agricultural Industry is limited to the production of commercial poultry or small livestock in enclosed buildings. The issuance of a special use permit by the Board of Adjustment is required in accordance with Section 6.7.

4.4 Agricultural Processing Plant

Within the Industrial District, Agricultural Procession is limited to enclosed buildings only. The issuance of a special use permit by the Board of Adjustment is required in accordance with Section 6.7.

4.5 Bed & Breakfast Inns

One car parking space must be provided per bedroom. On-street parking along the frontage of the property may count towards this total. The full requirements for landscaping and buffering off-street parking in Section 5.6 do not apply to bed and breakfast inns with less than six rooms. In these cases, off-street parking must be screened from adjacent residential uses by a six foot high wall or fence, or by evergreen shrubs at 6 feet on center and a minimum three feet high at planting with a maturity height of not less than six feet, or by a combination of these options. None of these requirements apply to such development in the town center planning area if there is public parking available within 400 feet of the property.

4.6 Boarding or Rooming House (for up to four roomers)

A. Definitions: A rooming house is a dwelling with one kitchen in which lodging is provided to more than three residents. A boarding house is a dwelling with one kitchen in which lodging and meals are provided to more than three residents.
B. Minimum Area: Rooming units (i.e. bedrooms) must be a minimum of seventy (70) square feet with an additional minimum of fifty (50) square feet for each additional occupant. The building must contain common space such as lounges, living rooms, dining rooms, or other congregate living spaces at a rate of five (5) square feet per rooming unit, totaling not less than two hundred and fifty (250) square feet. Bathrooms, laundries, hallways, the main lobby, vending areas, and kitchens may not be counted as common space.
C. Operation:
    1. Rooming and boarding houses must be limited to four (4) boarders.
    2. An on-site management must be provided on a twenty-four (24) hour basis.

4.7 Buildings Greater Than Three (3) Stories in Height

Buildings greater than three stories in height are permitted in the Town Center, Public Institutional, and Employment Center Planning Districts subject to the issuance of a Special Use Permit by the Town Board of Aldermen.

4.8 Car Wash

The outdoor service area of a car wash must be placed and screened in accordance with the standards for parking, Section 5.6.

4.9 Care Homes - Nursing Home, Convalescent and Congregate Care Facility

A. Operations
1. The facility must provide centrally located shared food preparation, service and dining areas.
2. Common recreation, social and service facilities must be provided at a minimum rate of thirty (30) square feet per unit.
3. All facilities must 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 must be located on the site.

4.10 Care Homes - Group Care Facility

A. Property Separation: No such facility may be located within one-quarter (1/4) mile of an existing group care facility.
B. Operation: The facility must be limited to not more than thirty (30) residents.

4.11 Care Homes - Family Care Home

A. Operations: Family Care Homes must be limited to six (6) resident handicapped persons, not including staff, pursuant to NCGS 168-21.
B. Property Separation: No such home may be located within one-quarter (1/4) mile of an existing family care home, unless a Special Exception is granted by the Board of Adjustment for reduced separation upon a showing that such reduced separation must not promote the clustering of homes which could lead the resident persons to cloister themselves and not interact with the community mainstream.

4.12 Care Homes - Maternal Care Home

A. Operations: Maternal Care Homes must be limited to nine (9) residents. For regulatory purposes, children less than one (1) year in age must not be counted as individuals.
B. Property Separation: No such home may be located within one-quarter (1/4) mile of an existing family care home or maternal care home.

4.13 Cemeteries

A. Tombstones, crypts, monuments and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property.
B. Buildings for maintenance, management, rent and /or sale of cemetery lots must conform to a building type permitted in the zoning district.

4.14 Colleges and Universities - Educational Buildings

Educational buildings must conform to the standards of civic buildings, Section 5.4. Mobile units may be placed anywhere on a lot containing a principal school building, except in front of an existing building.
A. Permanent parking lots associated with educational buildings must meet the standards of Section 5.6 – Off-Street Parking.
B. Where the safe transport of students requires functional separation of parking and circulation areas (i.e. trolley, auto drop-off, etc.), the location of parking and circulation according to

building and lot type may be modified, so long as street abutting parking and circulation areas are, to the extent practicable, detailed as plazas.

C. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform with Section 5.6 if they are maintained in a natural condition (for example, as a grassed field).
D. Service areas must be separated by an opaque screen (e.g. wall, fence, adequate shrub hedge) from the view from any street and from abutting properties (Section 5.8).
E. Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing must be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.
F. Outdoor lighting associated with active outdoor recreation must not be directed into yards of a residential use nor into the windows of a residential structure.
G. Educational buildings must be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated.
H. Primary vehicular access must be provided from a minor or major thoroughfare.

4.15 Churches and Other Religious Institutions

The scale and activity level of churches and other religious institutions is a function of size and the range of accessory uses associated with the institution. Very high activity levels have the potential to be disruptive to residential and small scale mixed use areas. To diminish disruptive impacts by ensuring appropriate locational and design standards, the development and expansion of religious institutions and accessory uses in residential, town center, and neighborhood center districts must meet the following standards:

A. Churches must meet the standards for civic building and lot type, Section 5.4.
B. Development Standards.
    1. Exterior lighting must be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.
    2. Accessory dwelling units for persons associated with or employed by the church may be provided at a ratio of 1 unit for each 3 acres of site; these limits do not apply to the placement of convents, rectories, parsonages or similar uses on the site.
C. Accessory uses such as church offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use may be permitted wherever churches are permitted and must meet the civic building and lot type, or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street must be considered principal uses in their own right and be regulated as such.
D. Accessory dwelling units for persons employed by the religious institution may be provided
E. Church accessory uses which are not permitted as principal uses in a district must adhere to the following restrictions:
    1. no merchandise or merchandise display may be visible from outside the building;
    2. no business or identification sign pertaining to the accessory uses may be visible from outside the building;
F. Except as noted in C. above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited. This provision will in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
G. Application for a building permit must include a comprehensive site plan which addresses the required standards and conditions for the main site and all abutting holdings.

H. Churches and Religious Institutions located on sites of 3 acres or more shall have primary access to a major or minor thoroughfare street as shown on the Burlington – Graham MPO Thoroughfare Plan. Churches with 3 or more acres of contiguous property in existence prior to the adoption of this ordinance are exempt from this requirement.

4.16 Civic Uses (police and fire stations, libraries, community centers)

A. Access: All civic uses must have primary access to a minor thoroughfare or higher capacity street.
B. Use Separation: Fifty (50) foot minimum distance between a civic use and any adjacent residential property.
C. Lighting: Outdoor lighting associated with the use must not shine directly into adjacent residential properties.
D. Screening: Service and parking areas must be separated by an opaque screen from the view from any street and from abutting properties; chain link and similar fencing materials, if used, must be planted on the exterior side.

4.17 Clubs (Swim and Tennis)

A. Minimum Area: The minimum must be one (1) acre, located on common area within a development.
B. Location: the site must be accessible from at least one (1) main route into and out of the development.
C. Use Separation:
    1. Fifty (50) foot minimum distance between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residential property.
    2. Pools must be located so as to comply with the minimum setback requirement for accessory structures for the district in which it is located.
    3. Pools which are not an integral part of the principal building must be located a minimum of ten (10) feet from the principal building.
D. Security Fencing: Outdoor swimming pools must 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.

4.18 Commercial Communication Towers

A commercial communication tower must meet the following conditions:
A. No new commercial communication tower may be established if there is space available on an existing communications tower within the geographic area that the proposed tower is to serve.
B. No equipment, mobile or immobile, not used in direct support of the transmission or relay facility may be stored or parked on the site unless repairs to the facility are being made.
C. An opaque screen expected to reach a minimum of eight (8) feet in height at maturity must be planted around the perimeter of the area occupied by the tower, security fencing, and auxiliary uses such as parking. In addition, existing onsite trees and other vegetation must be preserved to the extent practicable to maintain the entire site of the tower (including any anchoring devices) in its pre-construction appearance.
D. No telecommunications tower may be permitted on a site unless the minimum distance from the base of the tower to the nearest property line shall be equal to or greater than the height of the tower. Board of Aldermen shall have the option to waive this provision upon receiving documentation from the petitioner that the tower is engineered such that in the event of

collapse, the tower will fall upon itself within the property boundaries upon which it is located. This option may require the establishment of a setback equivalent to a fall zone easement certified by a Professional Engineer registered in North Carolina. The minimum setback for a tower and all appurtenant structures shall be 50 feet from the nearest property line.

E. To be permitted as an incidental accessory use in any zoning district, an accessory communication facility must be camouflaged on, with, or in an existing or proposed conforming structure (e.g., inside church steeple, on utility transmission line tower). A detailed site plan and structural elevations must be submitted to the LDO Administrator for approval.
F. The maximum allowable height of a communication tower is one-hundred-ninety-nine (199) feet.
G. Communication towers must be of a monopole construction (lattice and guyed towers must not be permitted).
H. Signage prohibitions – No signs or logos of any type must be allowed on any telecommunications tower at any time.
I. Compliance with other regulations – Prior to erecting a telecommunications tower or antenna or Accessory Communication Facility, or installing same on any structure, any builder, user, carrier, etc., must submit documentation that the telecommunications tower or antenna or Accessory Communication Facility must meet the American National Standards Institute (ANSI) standards and applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations, and comply with all other federal, state, and local laws and regulations. Moreover, at the time of applying for a building permit to erect a telecommunications tower or antenna or Accessory Communication Facility, or to install same on any other structure, and prior to erection or installation of the tower or antenna, a structural engineer licensed to work in North Carolina must certify that the plans for construction and erection or installation of the tower or antenna or Accessory Communication Facility meet or exceed current safety and design standards of applicable codes.
J. Co-location requirements – Telecommunications towers must be structurally designed and constructed to support a minimum of four (4) users. Moreover, prior to erecting a telecommunications tower, any builder, user, carrier, etc., must submit documentation that the owner of the tower or antenna is willing to permit other user(s) to attach accessory communications facilities which do not interfere with the primary purpose of the tower or antenna, provided that such other user(s) agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment.
K. Subsequent co-location requirements – Subsequent co-location or shared use of antennae on existing telecommunications towers which do not increase the height of the existing tower must not require a special use permit. Subsequent co-location of accessory communication facilities on other structures must not require a special use permit.
L. Security fencing – There must be minimum eight (8) foot high fence installed and maintained by the owner of the telecommunications tower around the perimeter of the tower compound, except that security fencing must not be required for Accessory Communication Facilities.
M. Replacement or alteration of nonconforming telecommunications towers or antenna – Nonconforming telecommunications towers or antennae or Accessory Communication Facility must be treated the same as any other nonconforming use under this Ordinance.
N. Removal of telecommunications towers or antenna no longer in use – Any telecommunications tower or antenna or Accessory Communication Facility which is unused for the original permitted use for a period of 180 consecutive days must be removed by the owner of such tower or antenna or Accessory Communication Facility, within 120 days of receipt of notification to that effect. If the owner fails to so remove the tower or antenna or Accessory Communication Facility as required by this section, then the Town of Elon must remove the tower or antenna or Accessory Communication Facility, and the owner must

reimburse the Town for all expenses incurred thereby, including without limitation all engineering, demolition, transportation, disposal, and legal fees and costs.

O. Public service access – At the request of any local governing authority a license may be granted to such local governing authority to place public service communication antennae or other public service communication devices on the telecommunications tower or antenna, provided that such communication antennae or other public service communication devices do not interfere with the function of the telecommunications tower or antenna, or array of antennae of the operator or owner or other existing service providers located on the tower or antenna.

P. The height of an Accessory Communication Facility must be defined as 110% of the distance by which the Accessory Communication Facility exceeds the height of the principal structure to which the Accessory Communication Facility is attached.

Q. Co-location requirements – Prior to erecting a telecommunications tower or antenna, or installing same on any structure, any builder, user, carrier, etc., must submit documentation that such antennae or communication device to be located on a communication tower cannot be accommodated on an existing tower or other structure for the following reasons:
   1. The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers and the towers cannot be reinforced or replaced to accommodate the planned equipment;
   2. The planned equipment would cause radio frequency interference with other existing or planned equipment for these towers, and the interference cannot be prevented at a reasonable cost;
   3. Existing or approved towers do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing approved equipment.

R. In no case may a telecommunications tower be located closer than one (1) mile from another tower u*nless* the builder, user, carrier, etc., can establish through competent evidence and documentation either that:
   1. It is in the best interests of the community that the proposed tower be located less than one (1) mile from another tower, or
   2. It is necessary for technical reasons that the proposed tower be located less than one (1) mile from another tower, such as, for example, circumstances where the planned equipment would cause radio frequency interference with other existing equipment, or other existing equipment would cause radio frequency interference with the planned equipment, and the interference cannot be prevented at a reasonable cost.

S. Color and lighting – The entire facility must be aesthetically compatible with its environment. If not otherwise camouflaged, towers must be of a coloration that must blend with the surroundings. Example: brown/green/gray. Telecommunications towers, antennae, and Accessory Communication Facilities may not be artificially lighted, except where otherwise required by the FAA, FCC, or other federal or state agencies. Where such agencies allow a choice between painting the tower or installing lighting, painting must be the choice selected.

T. Prior to erecting a telecommunications tower or antenna or Accessory Communication Facility, or installing same on any structure, any builder, user, carrier, etc., must be granted a Special Use Permit by the Town of Elon Board of Aldermen, pursuant to the provisions of Chapter 7 and 8 of this Ordinance, except that a stealth telecommunications antenna may be erected or installed upon approval by the Town LDO Administrator, with a right of appeal to the Board of Adjustment pursuant to Chapter 9. The builder, user, carrier, etc., may be granted a Special Use Permit only upon submission of an application and fee payment to the Town of Elon, who must transmit the application to the Board of Aldermen; in the case of a stealth telecommunications antenna, approval by the Town LDO Administrator may be granted only upon submission of an application and fee payment to the Town of Elon. The

application must be in the form prescribed by the LDO Administrator and, in addition to any other or further requirements of this Ordinance, must contain the following information prior to being granted:

1. A network plan for that builder, user, carrier, etc., encompassing the area prescribed by a three (3) mile radius circle having its origin at the Elon Town Hall, and showing:
2. The total number of required telecommunications tower, antennae, and Accessory Communication Facility sites;
3. The required height from sea level of tower or antennae or Accessory Communication Facilities;
4. The required location of all towers and antennae and Accessory Communication Facilities or co-locations of antennae on existing towers;
5. The anticipated location(s) of all tower and antennae and Accessory Communication Facility sites to be required within the next ten(10) years from the date of the application;
6. A delineation of the boundaries of the maximum search range within which the proposed tower or antennae Accessory Communication Facility equipment can function.
7. A site plan showing the site and size of all existing structures within 1320 feet of the site; plans and elevations for all proposed structures and descriptions of the color and nature of all exterior material; and plans for all landscaping, buffers, and screens, including existing landscaping, buffers, and screens.
8. A listing of all telecommunications towers, antennae, and other structures which may be used to locate communication facilities within a 2 mile radius of the proposed site;
9. An explanation of why the proposed telecommunications facilities cannot be co-located on any of the existing structures within the search range delineated above;
10. Documentation from applicable state and federal agencies indicating requirements which affect the appearance of the proposed telecommunications tower, antenna, or Accessory Communication Facility, including lighting and color; and
11. A listing of all property owners within 1000 feet of the site on which the communications tower is proposed to be located.

4.19 Commercial Outdoor Kennels

The outdoor containment of animals must be at least 250 feet from abutting properties located in a residential or mixed use district.

4.19.1 Commercial Uses – Retail, Service, Finance, Office, and Wholesale (indoor, up to 7000 sq ft max.)

Lots less than 2 acres are allowed commercial uses-retail, service, finance, office, and wholesale (indoor up to 7000 sq ft). These uses will follow lot and building placement restrictions per the Commercial Planning District section 3.8.4 (page 37). This will be a support function to the industrial land use district and requires a special permit.

4.20 Commercial and Workplace Uses (Exceeding 30,000 Square Feet)

Commercial and workplace uses exceeding 30,000 square feet of gross floor area are permitted in the Commercial Center, Town Center-1, Office and Institutional, and Public Institutional Planning Districts subject to the issuance of a Special Use Permit by the Town Board of Aldermen, in accordance with, but not limited to the following conditions:

A. Building facades must be articulated to create the impression that the building is more than one structure – by using differing treatments, materials, and/or heights every 35 to 50 feet (if the façade exceeds 80 feet in length).
B. Parking may be accommodated on-site, on-street, or within 800 feet of the site. Shared parking with other uses is encouraged.
C. All loading areas must be placed in the rear or to the side of the structure.
D. Uses generating 7,500 or more trips must be required to improve adjoining streets and intersection infrastructure, as determined by the Town and/or the NC Department of Transportation.

4.20.1 Commercial and Workplace Uses (Exceeding 90,000 Square Feet)

Commercial and workplace uses exceeding 90,000 square feet of gross floor area are permitted in the Industrial Center District subject to the issuance of a Special Use Permit by the Town Board of Aldermen, in accordance with, but not limited to the following conditions:

A. Building facades must be articulated to create the impression that the building is more than one structure – by using differing treatments, materials, and/or heights every 35 to 50 feet (if the façade exceeds 80 feet in length).
B. Parking may be accommodated on-site, on-street, or within 800 feet of the site. Shared parking with other uses is encouraged.
C. All loading areas must be placed in the rear or to the side of the structure.
D. Uses generating 7,500 or more trips must be required to improve adjoining streets and intersection infrastructure, as determined by the Town and/or the NC Department of Transportation.

4.21 Day Care Centers and Homes (Child and Adult)

A. Child Day Care Center.
    1. A center must meet a permitted building and lot type for the district in which it is to be located.
    2. Play space must be provided in accordance with the regulations of North Carolina Department of Human Resources.
    3. Outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.
B. Adult Day Care Center.
    1. A center must meet a permitted building and lot type for the district in which it is to be located.
    2. There is no limit on the hours of operation of an Adult Day Care Center, but it may not serve any client on a continuous 24-hour basis.
C. Child Day Care Home (Small).
    1. The day care operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to 6 children not related to the operator.
    2. A Child Day Care home must meet the following standards:

- Play space must be provided in accordance with the regulations of the North Carolina Department of Human Resources.
- Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any established building setback from a street.
- Chain link and similar fencing materials must be planted on exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation, or be obscured by a comparable screening treatment.
- A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings must be maintained.
- There are no specific limitations on the hours of operation of a Day Care Home, but no outdoor play must be permitted after sun down.

D. Adult Day Care Home (Small).
   1. An Adult Day Care home must be located within the residential dwelling unit occupied by the operator of the service. Care is limited to no more than 6 adults who do not reside in the dwelling.
   2. An Adult Day Care home must meet the following standards:
      - A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings must be maintained.
      - There is no limit on the hours of operation of an Adult Day Care Center, but it may not serve any client on a continuous 24-hour basis.

4.22 Drive Through Windows as an Assessory Use

A. Drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street;
B. Drive-through service windows, stacking lanes, and circulation are treated as components of on-site parking for the purposes of screening (see Section 5.6);
C. The length of on-site stacking lane(s), taken together, must be a minimum of 200 feet if window access is provided directly from a major or minor thoroughfare; a minimum of 100 feet if window access is provided directly from a street of lesser capacity.
D. The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provide for passage around and escape from the outermost drive-through service lane.
E. Screening is not required for walk-up service accessories such as depositories and ATM's.

4.23 Duplexes on Corner Lots

Duplexes are permitted on corner lots in residential districts that allow it, or mixed use district (such as a TND development except in the TC-1 District) according to the following standards:
A. The entrances to each unit in the structure must face different streets;
B. The dwelling must meet the minimum front yard setback from both streets upon which a unit faces;
C. The lot has at least 1.5 times the minimum lot area, if any, for the district.
D. Duplexes which meet the standard for the attached house or the apartment building are permitted without corner lot restrictions in those districts which permit attached housing and apartment building types.

4.24 Essential (Utility) Services - Class 1 and 2

Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/waste water distribution lines; pumping stations, lift. stations, and telephone switching facilities (up to 200 square feet);

Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.

A. Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project area, should be installed underground, unless subsurface conditions make underground installation not possible or practical.
B. Facilities used for the operation of essential services should, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage.
C. Buildings and other structures which cannot adhere to the scale, volume, spacing, setback and typology of existing buildings along fronting streets must be provided an opaque screen to shield the view from all public rights-of-way and from abutting properties.

4.24.1 Food Trucks

A food truck is defined as a "licensed, motorized vehicle, or trailer that is designed and equipped in preparing and servicing food and non-alcoholic beverages on private property to the general public on a recurring basis. Food trucks must also meet the following requirements:

A. Food trucks are permitted with development standards on the following planning districts: Office & Institutional Planning District, Public Institutional Planning District, and the Industrial Planning District.
B. Food trucks can only operate from the hours of 7 am to 10 pm. The food truck must be removed after operating hours or the event, and must be stored in a legal location.
C. Food trucks can only locate on properties with a primary use. A primary use is a building with a current or active use, or an improved stand-alone parking lot. An unimproved grass or dirt lot is not a primary use.
D. Food trucks shall not be located in any public rights-of-way, except for food trucks operating under a special event permit with permission from the town.
E. Food trucks shall not locate on the same single zone lot as a residential use.
F. All food trucks operators and/or employees are required to obtain a 7 day business permit from the Town of Elon, and go through a background check by the Town of Elon Police Department before operating.
G. Food truck operators shall obtain and provide all proper state, local permits, and health permits to the Town of Elon prior to operating.
H. Food trucks must obtain written permission by a notarized letter from the property owner(s) on which the food truck will operate.
I. Must be 15 feet from fire hydrants, handicap ramps, driveways and curb-cuts, utility boxes, and building entrances.
J. Must be 500 feet from residential uses (measured from building to truck).
K. Must be 500 feet from the front door of any restaurant.
L. Any amplified audio and free standing signage is prohibited.

M. Food truck operator(s) are responsible for all trash and recycling associated with the food truck, and must provide trash and recycling receptacles. Food truck operators and employees shall remove all trash and waste by the end of the day to maintain the health and safety of the public. All areas within ten (10) feet of the truck shall be kept clean of grease, trash, paper, cups, cans, or any debris associated with the operation of the food truck.
N. Food trucks shall comply with the Town of Elon's Fats, Oil, and Grease Ordinance, and will provide a grease disposal unit. No liquid waste or grease will be disposed of into tree pits, storm drains, or onto any streets, sidewalks, or public places. No grease shall be dumped into the town's sanitary sewer system.
O. Food trucks shall not occupy any required spaces for the primary use of the property while the primary use is open for business.
P. No more than two (2) food trucks are allowed per one-half (1/2) acre of lot size.
Q. Food trucks operating under a special-event permit shall be exempt from items A and P.

4.25 Recycling Center (Residential)

Residential recycling centers are permitted in the Industrial District subject to the issuance of a Special Use Permit by the Town Board of Aldermen, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

A. Recyclable materials from residential sources must be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.

B. The area of active use must be enclosed by a fence, not easily climbable, at least 6 feet in height, and the fence must be located at least 20 feet from the public street right-of-way and 100 feet from abutting property lines.

C. A minimum separation of 100 feet, fully vegetated, must be provided between the fenced use area and any abutting property line; existing vegetation must be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.

D. The site must be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; security fencing must be placed on the interior side of the vegetation and wall or fence.

4.26 Group Quarters Housing (Dormitories)

A. Use Separation: The property on which the use is located must be within a one-half (1/2) mile radius of property developed as the primary campus of a college or university. The primary campus may include adjacent parcels owned by the college or university, but bisected by a transportation right-or-way. Exceptions to this requirement may be considered, subject to the issuance of a Special Use Permit by the Town Board of Aldermen, and if a private shuttle service or public transit service is provided.

4.27 Funeral Homes

Funeral Homes are permitted in the Neighborhood Residential (NR) District subject to issuance of a Special Use Permit by the Town Board of Aldermen, in accordance with Section 6.7.

4.28 Gasoline Station (Neighborhood and Commercial)

A. Neighborhood Gasoline Stations, by definition, permit retail sale of gasoline and convenience products and the minor service and repair of motor vehicles; they have no more than two canopies for gasoline sales. Commercial gasoline stations permit major service and repair of motor vehicles and are unlimited as to gasoline sales area.
B. Buildings must meet the requirements of Sections 5.3 and 5.4, General and Specific Building Design Regulations.
C. Gasoline pumps, canopies, and associated service areas are prohibited in any established front yard abutting a street.
D. All areas where vehicles are stored temporarily must be considered as parking lots and must comply with the provisions of Section 5.6, Off-Parking Design Regulations.
E. All such vehicle storage areas must be located at the rear of the building.

4.29 Home Occupations *(Amended 12/3/2018)*

A home occupation is permitted accessory to any dwelling unit (except manufactured housing). The issuance of a Home Occupation Permit by the Land Development Ordinance Administrator is required in accordance with the following requirements:

A. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling. (Home occupations are considered accessory uses to established dwelling units.)
B. A home occupation conducted in an accessory structure must be housed only in a garage or other accessory structure typically associated with a dwelling.
C. The use must employ no more than one person who is not a resident of the dwelling.
D. A home occupation housed within the dwelling must occupy no more than 25 percent of the total floor area of the dwelling.
E. There must be no visible outside display of stock in trade which is sold on the premises.
F. There must be no outdoor storage or visible evidence of equipment or materials used in the home occupation, excepting equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
G. Operation of the home occupation must not be visible from any dwelling on an adjacent lot, nor from a street.
H. Only vehicles used primarily as passenger vehicles may be permitted in connection with the conduct of the home occupation.
I. The home occupation must not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
J. Outdoor kilns used for the firing of pottery must be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in residential districts, must have a secured work area, and must be at least 10 feet from abutting property lines.
K. No business identification or advertising signs are permitted.

4.30 Manufactured Homes on Individual Lots

A. No extensions to existing mobile home parks and subdivisions, nor any new developments of similar type are envisaged under the Land Development Ordinance, but these regulations do provide for the upgrading of existing homes on an individual and communal basis.

B. Accordingly, any manufactured home may be replaced with another mobile home less than five years old, of comparable size, on a masonry foundation or skirted if placed where the old mobile home was sited or according to set backs for the planning area where the mobile home is located.

4.31 Multi-Family Residential Uses

A. Location: Allowed in the Urban Residential District**,** and the TC-1 District with a special-use permit and in other specified districts that permit a Traditional Neighborhood Development Overlay District (TND-O) and with approval of a TND-O District.
B. Relationship to Other Uses within a TND-O District: Multi-Family Residential uses within an approved traditional neighborhood development overlay (TND-O) district shall be no less that 10% and no more than 30% of the total number of residential units to be built.
C. Access: All multi-family residential sites must have primary access to a collector or higher capacity street, or to a street shown in the Downtown Elon Master Plan.
D. Use Separation: Fifty (50) foot minimum distance between a multi-family use and any adjacent single-family residential property.
E. Lighting: Outdoor lighting associated with the use must not shine directly into adjacent properties.
F. Screening: Service and parking areas must be separated by an opaque screen from the view from any street and from abutting properties.

4.32 Off-Site Land Clearing and Inert Debris (LCID) Landfills

Off-Site Land Clearing and Inert Debris (LCID) Landfills are permitted in the SP District subject to the issuance of a Special Use Permit by the Town Board of Aldermen, in accordance with the requirements of Section 5.20, the procedures of Section 7.9, and the following conditions:

A. Any off-site LCID landfill must obtain a permit from and comply with the standards of the Alamance County Environmental Protection Department and the State of North Carolina.
B. Any LCID landfill which would be larger than 10 acres or operate for more than 24 months from the time that activity begins on the site must be accessed by a designated thoroughfare.
C. No portion of any such landfill may be located within 75 feet of any exterior property line. This includes structure, equipment storage, parking areas, and fill areas; access drives may cross this area but may not be placed laterally through this area.
D. The actual fill area must be located at least 300 feet from any existing residential structure and at least 300 feet from any existing or former off-site LCID or demolition landfill.
E. Driveway access to the facility must be paved and must directly connect to a major or minor thoroughfare or to a non-residential collector or non-residential local street.
F. Vehicular and pedestrian access to the site must be controlled; the site must be closed and secured during hours when filling activities are not under way.
G. Use of the site for any purpose is limited to the hours of 7:00 a.m. until 6:00 p.m. Monday through Saturday, if the site adjoins or is across the street from property located in a residential district.
H. Unless located on a designated thoroughfare, the fill area of the site is limited to 10 acres.
I. No filling of any kind is allowed in the regulatory flood plain or the floodway fringe.
J. The landfill operator must be responsible for removal of any and all debris, dirt, or other materials which fall from trucks entering or leaving the landfill from all adjoining streets on at least a weekly basis. Failure to comply constitutes a violation of this ordinance and may constitute grounds for revocation of the operating permit.

K. All driveways which serve the site must be wide enough to accommodate two-way traffic at all times and an area on the site must be provided to accommodate vehicles entering the site so that no traffic waiting to enter the site must be backed up on any public right-of-way.

4.33 Office Uses

A. Access: All office uses must have primary access to a collector or higher capacity street.
B. Operations: Office uses within the UR (Urban Residential) Planning District must not exceed 5,000 square feet of gross floor area.
C. Lighting: Outdoor lighting associated with the use must not shine directly into adjacent properties.
D. Screening: Service and parking areas must be separated by an opaque screen from the view from any street and from abutting properties.

4.34 Outdoor Recreation and Amusement Facilities

A. Buildings constructed in association with neighborhood recreation or outdoor recreation must meet one of the building types permitted in the zoning district.
B. Permanent parking lots must meet the standards of Section 5.6, Off-Street Parking.
C. Service areas must be separated by an opaque screen from the view from any street and from abutting properties.
D. Chain link and similar fencing materials, if used, must be planted on exterior side with evergreen shrubs, a minimum 3 feet in height and 6 feet on center at installation.
E. Outdoor lighting associated with outdoor recreational facilities must not shine directly into yards of a residential use nor into the windows of a residential structure.
F. Hours of operation must be no earlier than 6:00 a.m. and no later than 11:00 p.m.

4.35 Outdoor Sales, Display, or Service of Vehicles, Boats, Heavy Equipment, or Manufactured Homes

A. Vehicle sales/lease lots must front on a major or minor thoroughfare. Drive-in service windows and service processing, stacking and circulation lanes are prohibited in the established front setback of the principal building and within 75 feet of the right-of-way in a principal building's side yard that abuts a major or minor thoroughfare. On-site stacking lanes for drive-in service windows must be a minimum of 200 feet in length if accessed directly from a thoroughfare or minimum of 100 feet if accessed directly from a street of lesser capacity.
B. All signs on the site must conform to the standards of Section 5.10, Sign Regulations, which includes, but is not limited to, the prohibition of flashing signs, portable signs and fluttering signs such as pennants and pennant swags. Non-conforming signs, if present anywhere on the site, must be removed prior to issuance of a change of use permit, issuance of grading permit, or commencement of new construction on the site.
C. Items for sale or lease may be displayed in the established front yard under the following conditions:
    1. All new display areas must be paved with a decorative paving material; and
    2. No vehicle may be displayed within 15 feet of the street right-of-way; and
    3. A strip averaging 8 feet in width, but in no case less than 5 feet in width, located in the area of the lot between the street right-of-way and the vehicle display area must be heavily landscaped with evergreen shrubs and flowering plants which are suitable for this climate and the growing conditions present on the site. This strip must be immediately adjacent to the vehicle display area. The number of plantings may be reduced if used in conjunction

with and placed on the street side of an opaque, decorative wall at least 2.5 feet in height. This requirement is in addition to any other screening requirements established by this ordinance.

D. Outdoor storage of vehicles in process of repair and vehicles-for-sale or lease that are in the process of dealer preparation for buyer/lessee pick up are permitted as follows:
   1. Such storage areas are exempt from the interior landscaping requirements for Parking Lots found in Chapter 5. However, the perimeter landscaping requirements of Chapter 5 must apply to such storage areas.
   2. Such storage areas may only be located behind the principal building and/or its accessory buildings, and must not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.
E. Businesses are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).
F. Outdoor lighting must meet all of the following requirements:
   1. The maximum height for lighting (pole mounted and wall mounted) must be 20 feet, including the base/mounting fixture; and
   2. Floodlights are not permitted for parking lot illumination; and
   3. Lighting must be directed downward and light spillover minimized with the use of hoods and similar devices; and
   4. Lighting fixtures that produce glare visible from adjacent property(s) and public rights-of -way are prohibited.
G. No vehicle sales/lease lot located within the Neighborhood Center district may exceed one acre in size.

4.36 Outdoor Sale of Goods (Temporary)

Merchandise stalls for the outdoor sale of goods are permitted if items for outdoor sales are returned inside the building at end of each business day; goods not brought in at the close of business day are considered outdoor storage. Additionally, items may not be displayed or sold on public property.

4.37 Outdoor Storage

A. Outdoor storage defined:
   1. includes all goods and materials not returned to an enclosed building at the end of each business day; regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot; (to be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day);
   2. includes up to two storage trailers placed on a single lot or in conjunction with a single principal use;
   3. includes all items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles; (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
   4. includes vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair;
   5. does not include construction equipment.
B. Outdoor storage, where expressly permitted, may be established on a lot according to the following standards:

1. where permitted as an accessory use in conjunction with a building, the area of storage may not be placed in any established yard abutting a street;
2. where permitted as a principal use on a lot, the area of storage must be no closer than 40 feet from an abutting street right-of-way;
3. all areas established for outdoor storage must be screened from view from the street(s) and from all abutting properties by an opaque screen (Section 5.8); wherever security fencing is desired, it must be placed on the interior side of the opaque screen.

4.38 Outdoor storage of construction equipment

Outdoor storage of construction equipment, where expressly permitted, may be established on a lot according to the following standards:

A. Where permitted as an accessory use in conjunction with a building, the area of storage may not be placed in any established yard abutting a street;
B. Where permitted as a principal use on a lot, the area of storage must be no closer than 40 feet from an abutting street right-of-way,
C. The area of outdoor storage must be screened from view from any street and from all abutting properties by an landscape screen. Wherever security fencing is desired, it must be placed on the interior side of the screen.

4.39 Parking Lot as a Principal Use

Permanent parking lots not associated with a building must meet the standards for parking in Section 5.6 – Off-Street Parking. Parking lots may be constructed up to the prevailing established setback line for structures within 300' in either direction on the same side of the street. The prevailing established setback applies for both the fronting street and any abutting side street. Off-site parking must be ¼ mile or less, measured along the pedestrian access route, from the primary structure requiring the parking.

4.40 Recreation Facilities, Parks and Greenways

A. Buildings constructed in association with a park or greenway must meet one of the building types permitted in the zoning district.

B. Permanent parking lots associated with parks and greenways must meet the standards of Section 5.6, Off-Street Parking.

C. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas, if maintained in a natural condition, need not conform with this ordinance.

D. Service areas must be separated by an opaque screen from view from any street and from abutting properties.

E. Outdoor lighting associated with active outdoor recreation must not be directed into yards associated with a residential use nor into the windows of a residential structure.

F. Hours of operation of outdoor recreation must be no earlier than 6:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.

4.41 Retail Uses

A. Access: All retail uses must have primary access to a collector or higher capacity street.

B. Operations: Retail uses within the UR (Urban Residential) Planning District must not exceed 5,000 square feet of gross floor area.
C. Lighting: Outdoor lighting associated with the use must not shine directly into adjacent properties.
D. Screening: Service and parking areas must be separated by an opaque screen from the view from any street and from abutting properties.

4.42 Riding Academies and Commercial Stables

Riding academies are permitted in the Rural Residential Planning District if the following standards are met:
A. All buildings and structures related to the care of animals and to the conduct of the academy must be located at least 100 feet from property boundaries.
B. Maximum number of horses is 2 per acre.
C. Off-street parking, service areas, and buildings which are not used for residential purposes, farm purposes, or the stabling of horses, must be separated by an opaque screen from the view from any street and from abutting properties.

4.43 Rural Family Occupation

A. 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.
B. Maximum Area: The total floor area of all buildings occupied by the RFO must 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.
C. Use Separation: All operations of the RFO must observe a one hundred (100) foot setback from all property lines.
D. Location: All operations of the RFO must be located behind the rear line of the building occupied as the principal residence.
E. Landscaping: All operation of the RFO, including buildings, outside storage areas, and parking must be treated as a separate use and subject to the landscaping provisions of this Ordinance.
F. Environmental Review: The Planning Board will 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 must mitigate the impact of these and other environmental concerns.
G. Operations:
   1. The RFO must be owned by the landowner who must reside on the property.
   2. No more than five (5) persons may be employed other than those residing on the property.
   3. There must be no more than two (2) commercial vehicles operating in association with the RFO.
   4. The RFO must not be operated between the hours of 9 P.M. and 6 A.M.
   5. Permitted uses must 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 will be prohibited.

4.44 Schools - Elementary and Secondary

School buildings must conform to the standards of civic buildings, Section 5.4. Mobile units may be placed anywhere on a lot containing a principal school building, except in front of an existing building.

A. Permanent parking lots associated with schools must meet the standards of Section 5.6, Off-Street Parking.
B. Where the safe transport of students requires functional separation of parking and circulation areas (i.e. school bus, auto drop-off, etc.), the location of parking and circulation according to building and lot type may be modified, so long as street abutting parking and circulation areas are, to the extent practicable, detailed as plazas.
C. Dust-free, pervious surface areas are encouraged for overflow or event parking; such areas need not conform with Section 5.6 if they are maintained in a natural condition (for example, as a grassed field).
D. Service areas must be separated by an opaque screen from the view from any street and from abutting properties (Section 5.8).
E. Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing must be planted on the exterior side with evergreen shrubs minimum 3 feet in height (expected height at maturity minimum 6 feet), 6 feet on center at installation.
F. Outdoor lighting associated with active outdoor recreation must not shine directly into yards of a residential use nor into the windows of a residential structure.
G. Elementary and Junior High Schools must be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s)
H. Senior high schools must be on a lot which abuts a minor or major thoroughfare; primary vehicular access must be provided from the thoroughfare.

4.45 Slaughter House or Packing Plant

Slaughter houses and packing plants are permitted in the Industrial District subject to the issuance of a Special Use Permit by the Town Board of Aldermen, in accordance with, but not limited to the following conditions:

A. The active use areas of the site must be separated by a 300 foot buffer from all adjacent properties and shielded by an opaque screen from all public streets.
B. The active use portions of the site must be entirely fenced with non-climbable fencing material to a height of at least six feet, which must be installed on the interior of the buffer and screen.
C. Vehicular access to the proposed use must not be provided by a residential collector or a town street, and access roads to the site must connect directly to a designated thoroughfare.
D. An Environmental Review must be conducted to determine the potential impact on the surrounding area with respect to excessive noise, dust, air emissions, odors, and surface or groundwater discharges. The impact of these and other environmental concerns must be mitigated.

4.45.1 Solar Energy Systems (Levels 1, 2, 3, & 4)

This ordinance applies to the construction of any new Solar Energy Systems (SES) within the planning jurisdiction of the Town of Elon. A Solar Energy System (SES) approved by TRC prior to the effective date of this ordinance shall remain exempt, with the exception that any modifications or changes to an existing SES by more than 5% of the original footprint or any changes to the solar panels themselves (e.g. photovoltaic) shall be subject to this ordinance. A. Maintenance and repair of an existing SES are not subject to this ordinance.

A. This ordinance does not supersede regulations from local, state, or federal agencies.
B. A SES shall not be constructed over onsite waste water systems (e.g. septic systems) unless approved by the Alamance County Department of Health and Human Services.
C. **Stormwater** – Nothing in this ordinance modifies the requirements or exempts any SES of complying with the Phase II NPDES stormwater regulations for the Town of Elon as established by the Department of Environment and Natural Resources. North Carolina statutes require the acquisition of stormwater permits for construction projects that impact stormwater runoff.
D. **Height Restrictions** for SES (Solar Energy Systems/solar panels)
   Roof-mounted - as determined by building height per Planning District
   Ground-mounted - limited to 20 feet in height.
E. All SES (Solar Energy Systems/solar panels) are required to obtain a building and electrical permits as required. **SESs categorized as Level 2,3, and 4 are required to submit certified engineered plans to the town's Technical Review Committee (TRC) for review and approval.** All SESs will obtain a Certificate of Occupancy by Alamance County Building Inspections.
F. **Visibility and Visual Buffering** - SESs shall be constructed with buffering as required by the applicable zoning district or development standards. Public signage (i.e. advertising, educational, etc.) as permitted by local signage ordinance, including appropriate or required security and safety signage. If lighting is provided at site, lighting shall be shielded and downcast such that the light does not spill onto the adjacent parcel or the night sky. Motion sensor control is preferred.
G. **Solar Collectors (Principal) – Landscaping/Screening** – SESs and associated outside storage shall be completely screened with a vegetative buffer from view from all streets and adjacent residential use with a Type B Yard. Otherwise, Type C yards will be used to screen adjoining Commercial, Institutional, and Industrial uses.
H. **Glare –** All ground-mounted SES (Solar Energy Systems) will minimize glare to adjoining properties, and any public right-of-way, as much as feasible.

Solar Panel Types

1. **Level 1 Solar Energy System** - Level 1 SESs include the following:
   a) Roof-mounted on any code-compliant structure.
   b) Building integrated solar (i.e., shingle, hanging solar, canopy, etc.).
   c) ground mounted SES is not permitted

2. **Level 2 Solar Energy System** - Level 2 SESs are ground-mounted systems not included in Level 1 that meet the area restriction listed below:
   a) SES between 600 square feet up to a 1/2 acre in size

3. **Level 3 Solar Energy System** - Level 3 SESs are ground-mounted systems not included in Level 1 that meet the area restriction listed below:
   a) SES between a 1/2 acre to 10 acres in size.

4. **Level 4 Solar Energy System** - Level 4 SESs are ground-mounted systems not included in Level 1 that meet the area restriction listed below:
   a) SES greater than 10 acres in size

H. **Table 1: Permit Requirements**

	Types of Permits Required: P= Permitted Use; D= Development Standards; SUP= Special Use Permit, (see Appendix E)								
Zoning District	Rural Residential	Suburban Residential	Neighborhood Residential	Urban Residential	Neighborhood and Village Center	TC and TC - 1	Commercial	Office & Institutional I/Public Institutional	Industrial
Solar Energy Facilities									
Roof-mounted, or building integrated (Level 1)	P	P	P	P	P	P	P	P	P
Ground-mounted:									
600 square feet to 1/2 acre (Level 2)	-	-	-	-	D	-	D	D	D
1/2 acre to 10 acres (Level 3)	SUP	-	-	-	SUP	-	-	SUP	SUP
greater than 10 acres (Level 4)	SUP	-	-	-	-	-	-	SUP	SUP

I. **Table 2: Parcel Line Setbacks**

Planning District	Level 1	Level 2	Level 3		
			Front	Side	Rear
Rural Residential	Roof-mounted only	Per Planning District*, **	30'*	15'*	25'*
Suburban Residential			50'*	50'*	50'*
Neighborhood Residential			Per Planning District*		
Urban Residential					
Commercial (including the VC,NC,TC,TC-1, & C Planning Districts)			30'*	15'*	25'*
Industrial			30'*	15'*	25'*
Public Institutional			30'*	15'*	25'*
Office/Institutional			30'*	15'*	25'*
* 100' setback for SES equipment, excluding any security fencing, to any residential dwelling unit (as measured from structure to structure). If the SES is on a working farm where the primary residential structure of the farm is on an adjacent lot then this 100' setback will not apply to this primary residential structure.					
** Ground-mounted SES must comply with district front yard limitations and setbacks, or otherwise not impair sight distance for safe access to or from the property or other properties in the vicinity					
*** Level 1 SESs are not subject to screening requirements typically applied to accessory utility systems (HVAC, dumpsters, etc.).					

J. **Planting Yards -** Planting Area Descriptions **-** Type B Planting Yard: A medium density screen intended to partially block visual contact between uses and create spatial separation.

Planting Yard Rates						
Yard Type	Minimum Width (ft.)	Min. Avg. Width (ft.)	Maximum Width (ft.)	Canopy Tree Rate	Understory Tree Rate	Shrub Rate
Street Yard	8	8	25	2/100 lf	NA[c]	17/100 lf
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	3/100 lf	17/100 lf

Notes:

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 streetyards, Type C 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 (1) 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.

K. **Provisions for Preservation of Existing Trees**

a) 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.

L. **Decommissioning** (see Appendix B for a sample decommissioning plan)

a) A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application.
   1) Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
   2) Removal of all non-utility owned equipment, conduit, structures, fencing, roads, and foundations
   3) Restoration of property to condition prior to development of the SES.
   4) The timeframe for completion of decommissioning activities.
   5) Description of any agreement (e.g. lease) with landowner regarding decommissioning.
   6) The party currently responsible for decommissioning.
   7) Plans for updating this decommissioning plan.

b) Before final electrical inspection, provide evidence decommissioning plan was recorded with the Register of Deeds.

M. **Abandonment -** A SES that ceases to produce energy on a continuous basis for 12 months will be considered abandoned unless the current responsible party (or parties) with ownership interest in the SES provides substantial evidence (updated every 6 months after 12 months of no energy production) to the LDO Administrator of the intent to maintain and reinstate the operation of that facility. It is the

responsibility of the responsible party (or parties) to remove all equipment and facilities and restore the Parcel to its condition prior to development of the SES [2]

a) Upon determination of abandonment, the LDO Administrator shall notify the party (or parties) responsible they must remove the SES and restore the site to its condition prior to development of the SES within three hundred and sixty (360) days of notice by the LDO Administrator.
b) If the responsible party (or parties) fails to comply, the LDO Administrator may remove the SES, sell any removed materials, and initiate judicial proceedings or take any other steps legally authorized against the responsible parties to recover the costs required to remove the SES and restore the site to a non-hazardous condition.

N. **Miscellaneous** –

a) The developer will be responsible for any construction waste & debris on site. No construction waste or debris shall encroach on any adjoining properties or streets. Any construction waste that is left on the property for more than 24 hours shall constitute a violation of the town ordinances.
b) The development will comply with current version of International Fire Code and the Town of Elon's Fire Protection Plan.
c) A decommissioning plan will be reviewed, approved, and recorded at the Alamance County Register of Deeds prior to the issuance of a CO for the SES.

SEE:

APPENDIX A: Landowner Guidance

APPENDIX B: Decommissioning Plan

4.46 Temporary uses, including seasonal markets *(Amended 10/15/2019)*

The establishment of temporary sales lots for farmers markets, Christmas trees, and other seasonal agricultural products, plus related goods, is permitted for up to a maximum of three months upon the issuance of a temporary use permit by the LDO Administrator. The following conditions apply:

A. Storage of goods in or sale of goods from trailer(s) on the site is prohibited.
B. The use may only be located on a vacant lot or on a lot occupied by a nonresidential use.
C. The use must be conducted behind the prevailing established setback line for structures within 300' in either direction on the same side of the street.
D. Off-street parking may be provided behind or to the side of the established use, but not forward of the prevailing established setback line, defined above.
E. On-site parking may be provided on a dust-free, pervious surface area and need not comply with Section 5.6.
F. Signs on the premises of a temporary use must comply with Section 5.10.
G. Landscaping must be required in accordance with Section 5.8.

[2] Anywhere reference is made to restoring the parcel to condition prior to development of the SES (including removal of gravel, roads, and fencing), less restoration is acceptable when it is requested in writing by the parcel owner.

4.47 Temporary Accessory Structures *(Amended 10/15/2019)*

Temporary accessory structures, including but not limited to school mobile classrooms are permitted for up to a maximum of two years, renewable thereaft.er in one year increments, upon the issuance of a temporary use permit by the LDO Administrator. Such structures must meet the standards for building and lot type to the extent practicable, given the location of existing buildings and improvements on the site and location of permitted construction areas. Temporary structures associated with construction projects are permitted for the duration of the construction project and must be removed upon completion of construction and prior to the issuance of a final certificate of occupancy. All such structures may be permitted upon application to and subject to approval of a temporary use permit by the LDO Administrator and must be maintained in good condition with no rust, primer patches, or other obvious indications of neglected maintenance. Temporary structures associated with sales within construction projects are not permitted.

Temporary storage containers may be permitted upon application to and subject to approval of a temporary use permit by the LDO Administrator. Such structures are limited to sixty (60) consecutive days and may be permitted for any specific site no more than two times per year. No more than two (2) such structures may be permitted for a specific site at any one time, with each structure being limited to a size of 16' in length x 8' in width x 8' in height. Temporary storage containers may be located in an existing driveway, designated parking area, or behind a dwelling. If lot size or obstructions interfere, the structure may be placed contiguous to a driveway or parking area but in no instance may be placed directly in front of a dwelling, on a street, or in such a manner to impair a motor vehicle operator, bicyclist, or pedestrian's vew, or obstruct the flow of vehicular, bicycle, or pedestrian traffic. Five (5) foot rear and side setbacks shall apply to such uses. Temporary storage containers located on property at the time of adoption of this ordinance must comply with this section.

4.48 Transfer Station of Organic and Inorganic Waste Products

Transfer Stations are permitted in the Industrial District subject to the issuance of a Special Use Permit by the Town Board of Aldermen, in accordance with, but not limited to the following conditions:

A. The active use areas of the site must be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from all public streets.
B. The active use portions of the site must be entirely fenced with non-climbable fencing material to a height of at least six feet, which must be installed on the interior of the buffer and screen.
C. No active area must be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed use.
D. Vehicular access to the proposed use must not be provided by a residential collector or a town street, and access roads to the site must connect directly to a designated thoroughfare.

4.49 Transit shelter

Transit shelters may be located within any street right-of-way or within an established yard fronting a street, but may not be located so as to obstruct the sight distance triangle.

A. Only governmental signs are permitted in association with a transit shelter.
B. If constructed by other than the Town of Elon, a schematic plan must be submitted and approved by the Board of Aldermen. The plan must include the following:

1. the location of the proposed shelter relative to street, property lines, and established building yards; and
2. the size and design of the shelter, including front, side, and rear elevations, building materials, and any public convenience or safety features such as telephone, lighting, heating, or trash containers.

C. A building permit must be issued only after approval by the Board of Aldermen of the proposed schematic plan.

D. A transit shelter located within a street right-of-way or an established yard may be removed by the Town of Elon if the Town Board determines that it no longer serves the best interest of the public.

4.50 Trucking and Transportation Terminals

Trucking Terminals are permitted in the Industrial District subject to the issuance of a Special Use Permit by the Town Board of Aldermen, in accordance with, but not limited to the following conditions:

A. The area designated for truck parking must be located no closer than 40 feet from an abutting street right-of-way. Truck parking areas are not classified as parking lots. Therefore they are exempt from the parking standards of this ordinance, but subject to the alternative standards below.

B. The area of truck parking must be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it must be placed on the interior side of the screening materials.

C. The use must be located on or directly accessible to a major thoroughfare, expressway, or freeway; truck terminals must not be sited such that residential or town streets are regularly traversed to access the larger capacity road.

4.51 Unified Commercial Development

A. Location: Allowed only with approval of a special use permit in the Commercial, Office & Institutional, Public Institutional, and Industrial Planning Districts.

B. Minimum Area: unified commercial developments must be on a site of three (3) acres or greater in size.

C. Site Requirements: unified commercial developments must contain three (3) or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole. Examples are shopping centers and office parks.

D. Additional Plans and Documents: A unified commercial development proposal must include the following elements: 1) common driveways, 2) common parking areas, 3) common signage plan, 4) common landscaping plan, and 5) owner's association documents.

4.52 Warehouses – Mini-Warehouses and Self-Storage Facilities *(Amended 5/12/2020)*

Mini-Warehouses and Self-Storage Facilities are permitted in the Industrial District subject to the issuance of a Special Use Permit by the Town Board of Aldermen, in accordance with, but not limited to the following conditions:

A. The lot size is a minimum of 2 acres and a maximum of 5 acres.

B. The placement of roads, buildings, parking areas, and points of ingress and egress must be designed to minimize storm water runoff from the site.

C. The storage of hazardous, toxic, or explosive substances is prohibited, and no outside storage is permitted.

D. No business activity other than the rental of storage units may be conducted on the premises.

E. Perimeter landscaping must be provided in accordance with this ordinance, to minimize negative visual impacts on surrounding properties and roadways.

F. Buffer and screening shall be installed along property boundaries that abut residential uses.

G. The exposure of any adjacent residential use to noise, light, exhaust emissions and other similar nuisances shall be minimized through building orientation and facility design.

H. Accessory uses such as the rental of trucks, trailers, or moving equipment are prohibited unless approved as part of the Special Use approval and said areas are in the rear of the primary structure and screened appropriately.

I. Self-service storage facilities adjacent to residential uses shall not operate or allow tenant access between the hours of 10:00 p.m. and 6:00 a.m.

J. Outdoor Storage Prohibited. All goods and property stored in a self-service storage facility shall be stored in an enclosed building. Outdoor storage of boats, RVs, vehicles, etc., or storage in outdoor storage pods or shipping containers is not permitted.

K. All buildings associated with self-storage uses shall have exterior vertical surfaces with at least fifty (50) percent of the area covered by a material or combination of materials such as decorative brick veneer, stone, stucco, textured block or similar decorative materials with no one material exceeding fifty (50) percent of said area when directly fronting a street or when within public view from a street.

L. Building walls exceeding fifty (50) feet in length shall be broken or staggered and shall not exceed a length of one hundred fifty (150) linear feet, regardless of modulation.

M. All areas intended for driving, parking and loading shall be paved with asphalt or concrete.

N. Adequate queuing space shall be provided on-site to prevent vehicles from using adjacent streets for maneuvering.

O. Regulations for outdoor lighting for mini-warehouse and self-storage facilities are detailed in Section 5.9.

CHAPTER 5 - DESIGN REGULATIONS

The general design principles outlined in this Chapter are applicable for all development under the jurisdiction of the Town of Elon.

5.1 Neighborhood Design Regulations

This Land Development Ordinance restores the option of creating new neighborhood development in traditional patterns by prescribing the following physical conventions:

A. The neighborhood areas will be limited in size, with clear edges and a focused activity center to include an area designated for a future transit stop.
B. Housing density should increase toward the activity center.
C. The structure of the neighborhood should progress from more urban to less urban. The urban areas should have greater density, and larger and taller buildings, while the fringe areas should have lower densities, smaller buildings, and larger, more picturesque open spaces. The denser urban core of a neighborhood should transition out to the more fringe areas through a series of zones that are progressively less dense.
D. Rather than separation of uses, building types should be integrated into the neighborhood. Shops, workplaces, schools, and residences for all income groups should be located in close proximity to one another.
E. Streets will be sized and detailed to serve equitably the needs of the automobile, bicyclist, and pedestrian. In addition to sidewalks, paths through squares, plazas, and parks, plus mid-block pedestrian crossings, will provide pedestrian routes throughout the neighborhood.
F. Building size and design is regulated to spatially define streets, squares, plazas and parks. Squares, plazas**,** and parks are distributed and designed as specialized places for social activity and recreation. Existing lakes, ponds, wetlands, and other natural resources will be retained.
G. Well-placed civic buildings act as symbols of the community identity and provide places for purposeful assembly.
H. Neighborhoods on existing or planned public transit routes will include an area for a future transit stop.

5.2 Individual Site Design Regulations

5.2.1 Site Design and the Environmental Inventory

The environmental inventory is the foundation on which all site design decisions are based. Minor variations to these regulations may occur based on environmental conditions of the site. The Land Development Ordinance (LDO) Administrator will approve all site design decisions based on the inventory.

5.2.2 Relationship of building to site

A. Developments that include or front on existing streets must integrate that street into the development.
B. All buildings must front on a street as shown on a recorded subdivision plat.
C. Buildings on corners or an axial terminus should be designed with additional height and architectural embellishments, such as corner towers, to emphasize their location.

D. Building design will take the natural topography of the site into consideration. Buildings will be located so as not to disturb significant scenic vistas throughout the community.
E. In areas with a slope greater than 20 percent, developers are required to use construction techniques causing the least amount of site impact and erosion.
F. Structures on corner lots will observe the front yard setback requirements of the street they face. The side yard setback for the elevation facing the intersecting street will be the average of the front yard setbacks of the houses within 300 feet.

5.2.3 Relationship of Building to Surrounding Built Environment

A. Development should incorporate predominant characteristics of the neighborhood, including built form, vegetation, topography, and influences such as road or street layout, lot size, and pattern and translate them into innovative design solutions.
B. Buildings will not significantly overshadow public or private open spaces.
C. Active recreation and service areas will be located away from the secluded private open spaces of adjacent dwellings.
D. Large-scale recreational uses, such as sports fields, will be located on the perimeter of neighborhoods.
E. Houses with either or both identical or similar building elevations or floor plans should not be located on adjacent lots or directly across the street from each other. Where a single house design is used repeatedly, materials and detailing of major façade elements should be varied.

5.3 General Building Design Regulations

5.3.1 Architectural Style

A. Design regulations are not intended to promote the replication of the existing built form of Elon, but to allow imaginative design that is respectful of its neighborhood. The regulations are meant to help achieve good design, not a certain stylistic result. They will also establish a consistent framework for submitting and assessing proposed development.
B. New downtown buildings should be designed to be respectful in context to the existing built environment not as explicit reproductions of past historical styles. This regulation does not preclude use of materials, scale or massing found on older buildings. Spatial elements like massing, proportions, scale, setbacks, spaces between buildings, and their relative positions should be used to integrate new development into existing neighborhoods.
C. Buildings that are stylized in an attempt to use the building itself as advertising will be discouraged, particularly where the proposed architecture is the result of a “corporate” or franchise style. New construction should provide variety and diversity and express its own uniqueness of structure, location or tenant.
D. Practices, methods, techniques and principles found in the Downtown Elon Master plan will be used in the TC-1 District.

5.3.2 Mass, scale and proportion

A. The height and scale of each building will take into consideration its site and existing (or anticipated) neighboring buildings which includes those on properties behind a proposed building and beyond the immediately adjacent neighbors.
B. Windows, doors, columns, eaves, parapets, pilasters, and other building components will be proportional to the overall scale of the building.
C. Changes of plane should have clearly delineated material transitions.

5.3.3 Street Rhythm

A. Facades along primary streets will be individually interesting, yet fit well into the streetscape.
B. Important street vistas should terminate in a focal point, such as a building or other architectural or natural feature.

5.3.4 Roof Form and Pitch

A. Rooflines will accommodate simple lines such as hip, flat, shed, gable to front, or gable to side, and avoid excessive articulation.
B. Mansard roofs will have functional dormers which project out from the roof. Dormers will have a symmetrical gable or hip roof.

5.3.5 Façade Articulation and Detailing

A. Architectural elements like openings, sill details, bulkhead, posts, and other architectural features will be used to establish human scale at the street level.
B. Buildings will avoid long, monotonous, uninterrupted walls or roof planes on their visible facades. Building wall offsets, including projections, recesses, and changes in floor level will be used in order to: add architectural interest and variety; relieve the visual effect of a single, long wall; and subdivide the wall into human size proportions. Similarly, roofline offsets will be provided to lend architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof. For larger scale developments, the building façade will create repetitive bays, or the façades will be divided into a balanced, yet asymmetrical, composition.
C. All sides of the building will use materials consistent with those on the front if visible from public streets or neighboring properties, and should be carefully designed with similar detailing, and be comparable in quality and materials.
D. All visibly exposed facades should have:
    1. a recognizable base course consisting of, but not limited to:
        - thicker walls, ledges or sills;
        - integrally textured materials such as stone or other masonry;
        - integrally colored and patterned materials such as smooth finished stone or tile;
        - lighter or darker colored materials, mullions, or panels.
    2. a recognizable top consisting of, but not limited to:
        - cornice treatments, other than just colored stripes or bands, with integrally textured materials such as stone or other masonry or differently colored materials;
        - sloping roof with overhangs and brackets;
        - stepped parapets; and
        - a cornice capping the top of a building wall.

5.3.6 Window and Door Proportions and Design

A. Window, door and roof trim and the arrangement of windows will be architecturally related to the style, materials, colors, and details of the building.
B. Windows will be vertically proportioned wherever possible. To the extent possible, upper story windows will be vertically aligned with the location of windows and doors on the ground level, including storefront or display windows.

5.3.7 Building Materials

A. The color of roof stacks, flashing, vents, power exhaust fans, and metal chimney caps will blend with the roof colors.
B. Quality finish materials will be utilized and may include, but need not be limited to:
   - brick masonry or stone
   - integrally tinted, textured masonry block
   - stucco
   - wood siding
   - concrete siding
C. Where any sloped roofs and structural canopies are used, they will be covered with:
   - asphalt shingles
   - natural clay tiles
   - slate
   - concrete tiles
   - ribbed metal
   - wood shakes or shingles, provided the roof includes required fire protection
D. Building materials will be similar to the materials already being used in the neighborhood, or if dissimilar materials are being proposed, other characteristics such as scale and proportion, form, architectural detailing or color and texture, will be used to ensure that enough similarity exists for the building to relate to the rest of the neighborhood.
E. Materials will be selected for suitability to the type of building and design for which they are used.
F. Material or color changes at outside corners of structures, which give the impression of "thinness" and artificiality, are prohibited. Piecemeal embellishment and frequent changes in material should be avoided.
G. Metal buildings will be prohibited except as specifically allowed in the planning district regulations.
H. Accessory buildings, particularly in residential areas, must be of similar design, materials, and colors as the principal building and should be appropriately landscaped.
I. Vinyl siding on building types other than single-family attached or detached residential structures is discouraged.

5.3.8 Mechanical Screening

A. Project elements like mechanical equipment, utility meters, storage areas, trash enclosures, transformers, generators and similar features or other utility hardware on roof, ground, or buildings will be screened from public view with materials similar to the structure or they will be so located as not to be visible from any public view or from potential buildings nearby.
B. Rooftop mechanical equipment will not be visible from the street.
C. Unused equipment should be removed.
D. Noise from HVAC or other operation equipment associated with the function of proposed structures will not exceed 55 decibels above ambient, as measured on a sound meter.

5.4 Specific Building Type Design Regulations

5.4.1 Special Conditions for Storefront, Workplace, and Live/Work Buildings

5.4.1.1 Mass, Scale, and Proportion

A. The first floor should be taller than upper floors.
B. Lower floors should be differentiated architecturally to create a sense of human scale.
C. All buildings will have a dominant vertical proportion.

5.4.1.2 General Architectural Principles

A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development will generally employ building types that are compatible to the historic architectural vocabulary of the area in their massing and external treatment.
B. Building elevations fronting or visible from public streets will be clad with masonry, wood, vinyl siding, stucco, or similar material. Metal paneling may not comprise a street fronting building face.
C. The front elevations facing the street, and the overall massing will communicate an emphasis on the human scale and the pedestrian environment.
D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
E. Trailers (mobile units) may not be used as permanent workplace buildings.
F. The Americans with Disabilities Act standards for accessibility must be met.
G. Two external wall materials may be combined horizontally on one facade. The “heavier” material should be used on the first floor (i.e. brick below wood siding).
H. All rooftop equipment must be enclosed in a building material that matches the structure or is visually compatible with the structure.
I. Buildings in the TC-1 District shall comply with the Downtown Elon Master Plan.

5.4.1.3 Window and Door Proportions and Design

A. Street-facing, ground level facades will maintain a minimum of 75% windows or fixed glass in storefront or workplace and a minimum 50% in live/work designed to make uses inside easily discernible to -passers-by.
B. Reflective or highly tinted glass is prohibited on street-facing façade windows.
C. Street-facing second floor facades will maintain a minimum 30-50% window or glass area.
D. Windows will be of square or vertical proportion. Special windows may be circular or regular polygons. Windows should be set to the inside of the building face wall.
E. Storefront and live/work buildings will provide street level, pedestrian-oriented uses on all street fronts.
F. Shutters, if used, will be used on the residential portion of buildings only and will be functional or proportional to the window on which they are used.
G. Major building entrances that provide access to the primary use of the building will be distinguished from the entrances used for secondary uses, such as ground floor retail.
H. The principal entrance to all buildings will front the primary street or a public open space such as a square, plaza, courtyard, or sidewalk.
I. Civic art and artistic crafting of building materials may help distinguish building entrances.
J. Large buildings fronting multiple streets should provide multiple entrances. Entrances connecting to a central lobby should be accessible from each street-fronting facade of the building.

5.4.2 Regulations for Workplace Buildings *(Amended 5/12/2020)*

Workplace buildings may have either single or multiple uses or tenants. Office, industrial, and commercial tenants are typical. Southern mill villages provide examples of how these buildings can reasonably coexist with other businesses and homes. Workplace buildings are crucial to the town as employment centers and commercial service locations. They provide space for industry and offices.

5.4.2.1 Workplace Buildings - Site Design Regulations

A. Front and side setbacks may vary depending upon site conditions and will encourage pedestrian activity. Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.
B. In order to encourage pedestrian activity, multiple workplace buildings should be grouped together and small sideyards used.
C. Building facades that front a street must extend parallel to that street.
D. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence or hedge (minimum 3 feet in height) will be installed along any street frontage adjacent to parking areas.
E. Upper level balconies, bay windows, and their supports may encroach up to 5 feet into the public ROW, provided that there is a minimum of 4 feet from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
F. Main pedestrian access to the building is from the street with secondary access from the parking areas.

5.4.2.2 Workplace Buildings - Building Design Regulations

A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves or the highest level of a flat roof.
B. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
C. Building height to the ridge may vary depending on roof pitch.

5.4.3 Regulations for Storefront Buildings, Multi-Family Dwellings above Commercial, and Offices above Retail

Such buildings may accommodate a variety of uses. A group of such buildings can be combined to form a mixed-use neighborhood center. Individual ~~storefront~~ buildings can provide some commercial service (i.e. a convenience food store) close to homes. Downtown Elon along Williamson Avenue is a good example of a neighborhood center of storefronts**,** and this area shall comply with the Downtown Elon Master Plan.

5.4.3.1 Storefront Buildings Multi-Family Dwellings above Commercial and Offices above Retai**l** – Site Design Regulations

A. Front and side setbacks may vary depending upon site conditions and will encourage pedestrian activity. Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.
B. Building facades that front a street must extend parallel to that street.
C. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (minimum 3 feet in height) will be installed along any street frontage adjacent to parking areas.

D. Upper level balconies, bay windows, and their supports may encroach up to 5 feet into the public ROW, provided that there is a minimum of 4 feet from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
E. Main pedestrian access to the building is from the street with secondary access from the parking areas.

5.4.3.2 Storefront Buildings, Multi-Family Dwellings above Commercial, and Offices above Retail– Building Design Regulations

A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves or the highest level of a flat roof.
B. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
C. Building height to ridge may vary depending upon roof pitch.

5.4.4 Regulations for Civic Buildings

Civic buildings are used for public purposes. These buildings must be designed appropriately to fit within neighborhoods as integral parts of the community. The scale and architectural sophistication of these buildings should match their civic importance and complement the best of Elon's existing civic buildings. Civic uses include, but are not limited to: community buildings, including meeting halls, libraries, post offices, schools, child care centers, religious institutions, recreational facilities, museums, performing arts buildings, and municipal buildings.

5.4.4.1 Civic Buildings – Site Design Regulations

A. Civic buildings must be at least 2 stories in height, whenever possible.
B. Building facades that front a street must extend parallel to that street.
C. Placement of civic buildings within neighborhoods provides good opportunities for the creation of public spaces such as squares or plazas (See previous section on open space).
D. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (minimum 3 feet in height) will be installed along any street frontage adjacent to parking areas.
E. Upper level balconies, bay windows, and their supports may encroach up to 8 feet into the public ROW, provided that there is a minimum of 4 feet from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
F. Main pedestrian access to the building is from the street with secondary access from the parking areas.

5.4.4.2 Civic Buildings – Building Design Regulations

A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves or the highest level of a flat roof.
B. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
C. Building height to ridge or architectural features such as a spire or cupola may vary depending upon the design.

5.4.5 Regulations for Live/Work Buildings

Live-work units combine commercial, office and residential uses within a single attached dwelling unit of two or more stories. At least 25% of the heated floor area must contain the residential dwelling unit(s). Commercial uses must be located on the first floor. Parking must be located in the rear of the building, accept for allowable on-street parking.

5.4.5.1 Live/Work Buildings – Site Design Regulations

A. Front and side setbacks may vary depending upon site conditions and will encourage pedestrian activity. Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, sidewalk cafes, etc.
B. If a live/work unit supports two different uses by two different entities, different State building codes apply and must be followed.
C. Building facades that front a street must extend parallel to that street.
D. Upper level balconies, bay windows, and their supports may encroach up to 5 feet into the public ROW, provided that there is a minimum of 4 feet from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
E. Main pedestrian access to the building is from the street with secondary access from parking areas.
F. Rear decks may encroach into the rear yard setback a maximum of 8 feet.

5.4.5.2 Live/Work Buildings – Building Design Regulations

A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves.
B. In the Town Center and Town Center-1 planning area, building height will be comparable to existing structures on the street. Otherwise, the maximum height to the eaves is 3 stories in the Town Center Planning District, and 4 stories in the Town Center-1 Planning District.
C. Building height to ridge will vary depending upon roof pitch.

5.4.6 Regulations for Apartment and Group Quarter Housing (Dormitory) Buildings

Apartment and group quarter housing (dormitory) buildings are residential buildings accommodating multiple households or university students. In traditional towns, this building type coexists nicely with a variety of other building types. Contemporary design permits its integration with other residential types, through the coordination of site and building design. Multiple apartment buildings must be similar in their scale to large detached housing on the public street.

5.4.6.1 Apartment and Group Quarter Housing Buildings – Site Design Regulations

A. Front and side setbacks may vary depending upon site conditions and will encourage pedestrian activity. Front and side setbacks exclude pedestrian uses such as plazas, stoops, walks, etc.
B. Building facades that front a street must extend parallel to that street.
C. Alleys are preferred for driveway and parking access. However, if front loaded driveways are used, they will be the width of a single car at the street frontage.
D. Hedges, garden walls, or fences, may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (minimum 3 feet in height) will be installed along any street frontage adjacent to parking areas.
E. Upper level balconies, bay windows, and their supports may encroach up to 5 feet into the public ROW, provided that there is a minimum of 4 feet from the curb to the supports to allow car doors to open without interrupting the normal flow of pedestrian traffic.
F. Main pedestrian access to the building will be from the street with secondary access from the parking areas.

5.4.6.2 Apartment and Group Quarter Housing Buildings – Building Design Regulations

A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves or the highest level of a flat roof.

B. In the Town Center planning area, building height will generally match existing structures on the street. Otherwise, the maximum height in that planning area will be 3 stories.
C. The height of parapet walls may vary depending on the need to screen mechanical equipment.
D. Building height to ridge may vary depending upon roof pitch.
E. The under roof area with dormers does not count as a story.

5.4.7 Regulations for Attached Houses

Attached houses are rowhouses or townhouses. Their scale can range from two attached units to a longer series of row houses or townhomes. Traditional southern homes in Savannah and Charleston provide historic models. Generally, building plans will have narrow frontages with the plan depth being greater than its width.

5.4.7.1 Attached Houses – Site Design Regulations

A. Building facades that front a street must extend parallel to that street.
B. Upper level balconies, bay windows, and their supports may encroach up to 8 feet into the public ROW.
C. Main pedestrian access to the building is from the street with secondary access from parking areas.
D. Rear decks may encroach into the rear yard area a maximum of 8 feet.
E. Accessory structures, such as detached garages, must be set a minimum of 5 feet back from property lines.

5.4.7.2 Attached Houses – Building Design Regulations

A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves.
B. In the Village Infill planning area, building height will match existing structures on the street. Otherwise, the maximum height to the eaves in that planning area is 3 stories.
C. Building height to ridge will vary depending upon roof pitch.
D. The under roof area with dormers does not count as a story.

5.4.8 Regulations for Detached Houses

Detached houses are currently the dominant residence type in Elon. Models for this type include homes on local Elon streets.

5.4.8.1 Detached House – Site Design Regulations

A. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the setback area up to 5 feet.
B. Main pedestrian access to the building is from the street or pedestrian way with secondary access from parking areas.
C. Rear decks may encroach into the rear yard setback a maximum of 8 feet.

5.4.8.2 Detached House – Building Design Regulations

A. Building height will be measured as the vertical distance from the highest finished grade relative to the street frontage to the eaves.
B. Building height of main dwelling to ridge may vary depending upon roof pitch.
C. The under roof area with dormers does not count as a story.

5.4.9.1 Regulations for the Renovation of Existing Structures in all districts

A. All new construction.
B. Changing or rebuilding 25% or more of any façade of a building, requires the entire façade to comply with the regulations.
C. All new windows, entrances, storefronts, and doorways must be designed in accordance with these regulations.
D. Any addition of 50% or more of the gross floor area (GFA) of a building requires the entire building to come into compliance with these regulations.
E. Routine maintenance and repair are exempt from these requirements.

5.5 Open Space Preservation and Design Regulations

5.5.1 Open Space –General Provisions

A. Open space is subdivided into two categories; urban and rural. Urban (Improved) Open Space assumes one or more of the forms detailed in this Section, and may contain recreation equipment and amenities as indicated. Rural (Natural) Open Space is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance or rural heritage features will be classified, in whole or in part, as rural open space
B. The location, nature, configuration, and use of Rural Open Space will be determined through a site-specific analysis identifying primary conservation areas and other significant features of the natural and built landscape. Primary conservation areas are considered inappropriate for most development because they contain stream buffers, flood plains, or slopes greater than 20%. These environmentally sensitive areas will be used first to meet the open space requirements. Other rural heritage features to be considered when selecting land for open space preservation include: groves of mature trees, cultivated fields, pastures, hedgerows, ponds, bridges, rock outcroppings, woods, and fence lines.

5.5.2 Open Space Requirements in the Rural Residential Planning District

5.5.2.1 Open Space Conservation Options in the Rural Residential Planning District

A. When the preferred rural cluster development option is used, an area (or areas) of land equal to 30% of the gross area of each new land development will be set aside as permanent open space.
B. When the conventional subdivision option is used, an area (or areas) of land equal to 15% of the gross area of each new land development will be set aside as permanent open space.
C. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements established for purposes other than open space conservation, grass waterways, or floodplains. Open space is subdivided into two categories; urban and rural. Urban Open Space assumes one or more of the forms detailed in Section 5.5.8, and may contain recreation equipment and amenities as indicated. Rural Open Space is site specific in its designation. Golf courses and other neighborhood and outdoor recreational uses which are designed and sited to preserve rural appearance or rural heritage features will be classified, in whole or in part, as rural open space
D. The location, nature, configuration, and use of rural open space will be determined through a site-specific analysis identifying primary conservation areas and other significant features of the natural and built landscape. Primary conservation areas are considered inappropriate for most development because they contain stream buffers, flood plains, or slopes greater than 20%. These environmentally sensitive areas will be used first to meet the open space requirements. Other rural heritage features to be considered when selecting land for open space preservation include: groves of mature trees, cultivated fields, pastures, hedgerows, ponds, bridges, rock outcroppings, woods, and fence lines.
E. At least 75% of the open space counted toward the basic open space requirement and density incentives will be set aside to maintain primary conservation areas and rural heritage features. Up to 25% of the project's required open space may be designated as urban open space. Whenever possible, urban open space will be located within one-quarter mile (1,320 feet) of each residential building in major subdivisions, as measured along public street rights-of-way.

5.5.3 Open Space Requirements in All Other Planning Districts

A. All residential developments with 10 or more total units are required to dedicate an area (or areas) of land equal to a minimum of 15% of the gross area of each new land development to be set aside as permanent open space, except in the TC-1 District where a minimum of 5% of the gross lot area shall be built and maintained as a courtyard, plaza, or park, either on the lot or within the TC-1 District.
B. Whenever possible, at least 50% of the required dedicated open space will be set aside to maintain conservation areas as identified on the adopted Town of Elon Land Development Plan. The remaining portion of the project's required open space may be designated as urban open space.
C. Whenever possible, urban open space will be located within one-quarter mile (1,320 feet) of each residential building in major subdivisions, as measured along public street rights-of-way.
D. Urban Open Space will be planned and improved, accessible and usable by persons living nearby. Improved means cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, playground and exercise equipment, outdoor furniture picnic shelters, gazebos, trails, and greenways. Walls and fences will be made of brick, stone, wrought iron, or wood and will be in the range of 3 to 6 in height (except fences used in conjunction with ball fields). Urban Open Space will conform to one of the Urban Open Space types described in this Section, or to a minor variation of same.
E. Urban Open Space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods to serve the needs of all residents.
F. Significant stands of trees, stream bed areas, and other valuable natural features should be preserved within the required open space areas whenever possible.

5.5.4 Ownership of Required Open Space

The Board of Aldermen may consider ownership of all proposed open space parcels. If the Board of Aldermen rejects ownership of proposed open space, the homeowners' association may own the development's open space. If no homeowners' association exists, the development may request other ownership of the open space by a land conservancy approved by the Town, or other entities approved by the Town. Open space may be privately held, as long as a permanent conservation easement is placed on the land.

5.5.5 Maintenance of Required Open Space

Natural features will be maintained in their natural condition, but may be modified to improve their appearance, natural functions, or overall condition, as recommended by experts in the particular area being modified. Permitted modifications may include: reforestation; woodland management; pasture or cropland management; buffer area landscaping; stream bank protection or restoration; wetlands management. Unless accepted for dedication or otherwise agreed to by the Town of Elon, another unit of government, or a private non-profit land conservancy, the cost and responsibility of maintaining open space and any facilities located thereon will be borne by the property owner.

5.5.6 Irrevocability of Required Open Space Conservation

A metes and bounds description of the space to be preserved and limits on its use will be recorded on the subdivision plan, in homeowner covenants, and on individual deeds when open space lands are not held entirely in common. Alternative means of permanent open space preservation may include acceptance by a land conservation trust or a unit of government. Private management alternatives will also be permitted. Restrictive covenants will limit uses to the continuation of certain agricultural activities (pasture land and crop cultivation) or recreational uses that preserve the view of rural heritage features from public streets. The Town will issue a letter to the property owner(s) and to the Alamance County Tax Administrator, Office of Real Estate Appraisal, upon verification by the Town that a permanent and irrevocable instrument has established a development restriction.

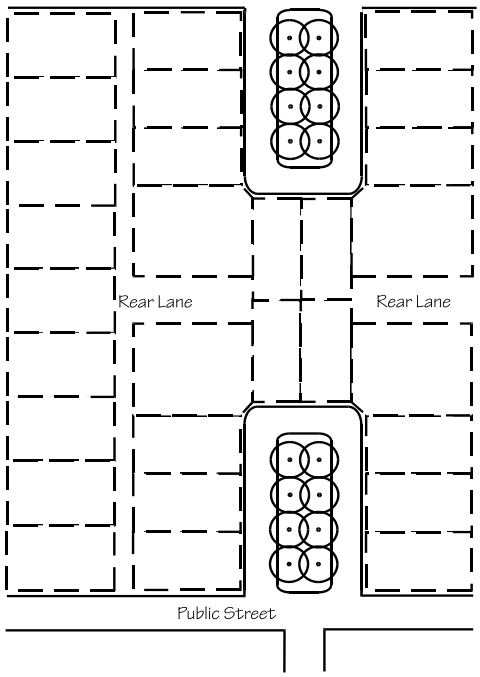
5.5.7 Attribution Rules to Prevent Avoidance of Required Open Space Conservation

Parcels may not be subdivided to avoid compliance with this ordinance. Contiguous parcels (sharing a common boundary) under common ownership as of the date of adoption of this ordinance, or any time thereafter, will be considered one parcel for purposes of determining open space requirements. The LDO Administrator has the authority to interpret this provision in a reasonable manner to accomplish its intent. A person will be deemed to own a parcel, if:

- It is owned by his or her spouse on the date of adoption of this ordinance
- It is acquired by his or her spouse, either parent, or any child or lineal descendant
- It is owned by any entity where 80% or more of the ownership or beneficial interest is held by such person, his or her spouse, either parent, or any child or lineal descendent.

5.5.8 Urban Open Space - Types and Design Guidelines

5.5.8.1 Close

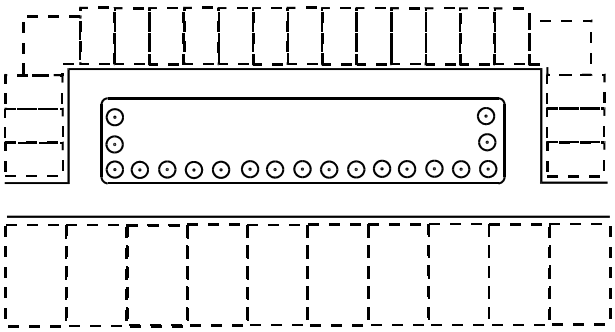


CLOSE

A close is a front space for buildings interior to the block. It may be pedestrian or it may have a roadway loop around a green area. Its minimum width must coincide with emergency vehicle turning radii. The close is a superior alternative to the cul-de-sac, as the focus is a green rather than vehicular paving. The close provides additional frontage for deep squares and organic blocks.

The paved area used for cars should not exceed 50% of the total area of the close.

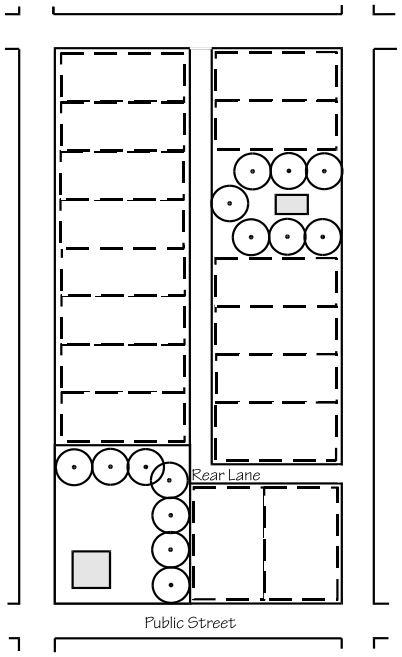
5.5.8.2 Forecourt



FORECOURTS

Forecourts are open space areas which act as buffers between residential and non-residential buildings or streets. Forecourts are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street rights-of-way with one tree species.

5.5.8.3 Playgrounds

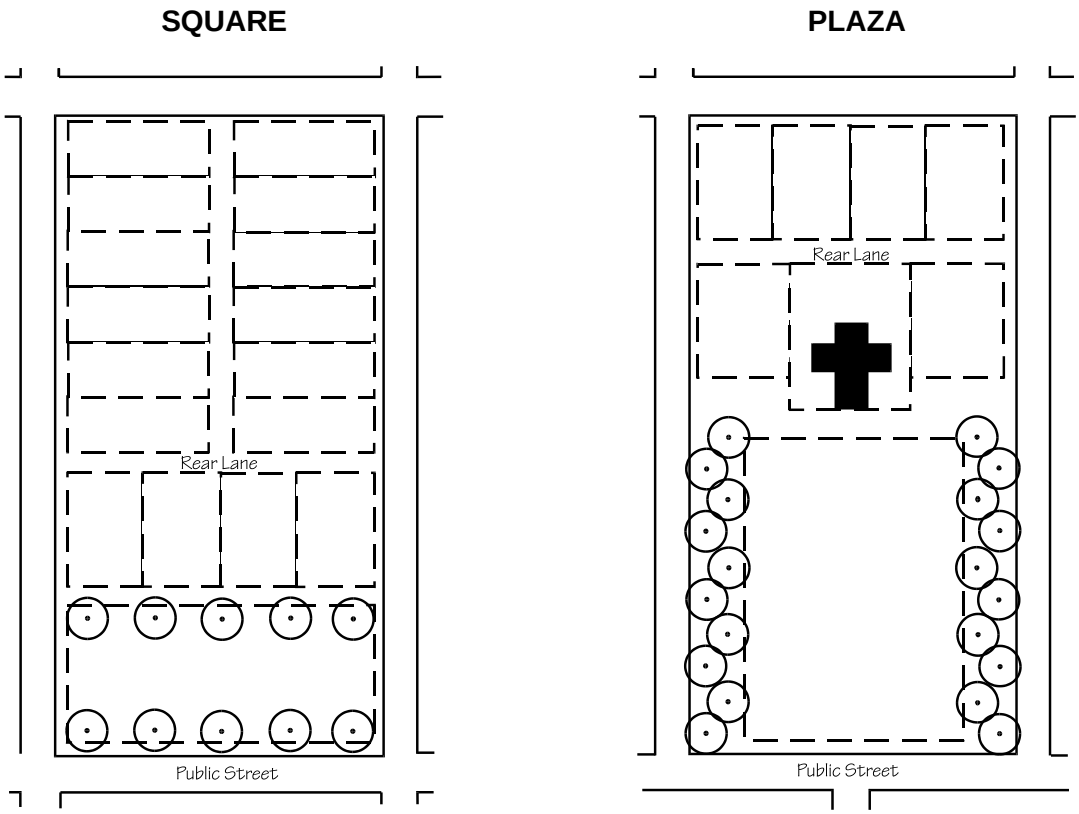


PLAYGROUNDS

Playgrounds provide sunny and shaded play areas for children as well as open shelter with benches for parents. Playgrounds may be built within squares and parks or may stand alone within a residential block. Playing surfaces may be covered in sand, wood chips, or other equivalent material. Paths and walkways may be paved in concrete, crushed gravel, brick pavers, or similar material, or partially paved.

Recommended Playground Sizes:
Minimum Size: 5,000 square feet
Maximum Size: 20,000 square feet

5.5.8.4 Squares and Plazas



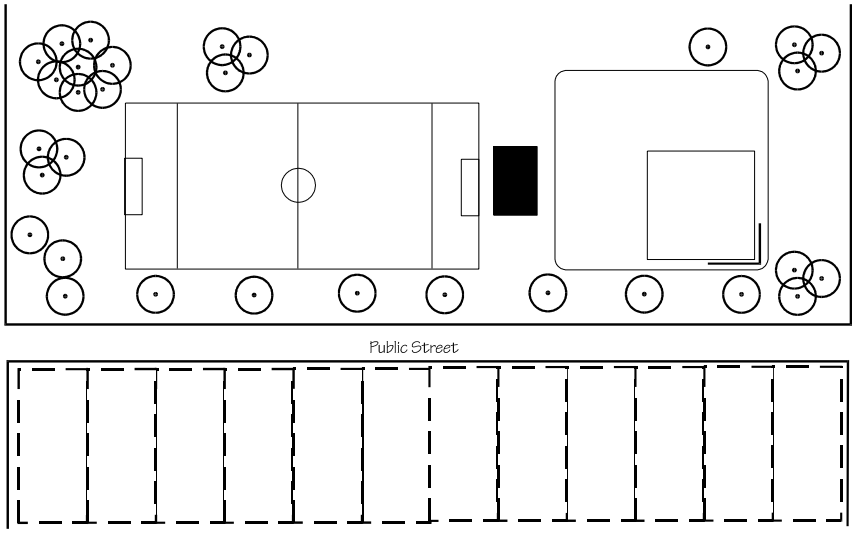
SQUARES: Areas for passive recreational use and usually bounded by streets on two or three sides. Detached squares (entirely bounded by streets) are occasionally used to enhance important places or intersections, or to preserve special trees or other community landmarks. Squares should be planted parallel to all street rights-of-way with one tree species a minimum of 10 feet and a maximum of 30 feet on center. All internal tree plantings (if provided) should be in geometrical layouts. Squares are often entirely paved in brick pavers, or similar material, but may be partially paved with other areas covered in plantings or lawn.

PLAZAS: Open gathering places adjacent to, or part of, a civic building or facility. May incorporate a variety of non-permanent activities such as vendors and display stands. Some parking may be permitted in large plazas. Plazas are usually paved in brick pavers, or similar materials, and are generally level, though can be stepped or gently sloping (less than 5% grade). Plazas are often unplanted. If planted, trees should form a frame to the plaza space or for the structure which the plaza services. Tree spacing should be a minimum of 10 feet and a maximum of 30 feet on center.

The recommended square and plaza sizes (below) may be larger or smaller depending on the surrounding neighborhood or building design.

Minimum Square Size: 500 square feet	Minimum Plaza Size: 2,000 square feet
Maximum Square Size: 30,000 square feet	Maximum Plaza Size: 1 acre

5.5.8.5 Parks



PARKS AND TOWN COMMONS

Parks and Town Commons may be designed for passive and/or active recreational use. Parks and Town Commons should be bounded by streets on at least 50% of their perimeter (subject to lot line configurations), but are encouraged to be entirely bounded by streets.

Recommended Parks & Town Commons Sizes:
Minimum size: 20,000 square feet
Maximum Size: 1 acre

Large parks should create a central open space which services an entire neighborhood or group of neighborhoods; or incorporates physical features which are an asset to the community (i.e. lake or river frontage, high ground, significant stands of trees).

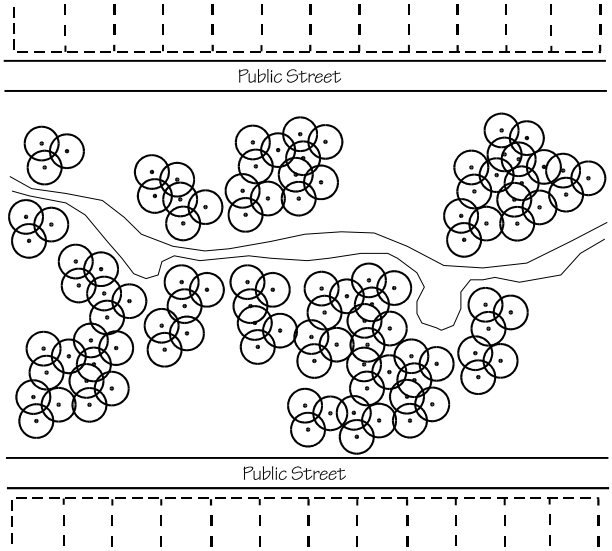
Trees should be planted parallel to all perimeter R-O-Ws with one species type, a minimum of 15 ft to a maximum of 30 ft on center. Trees will be limbed up a minimum of 12 feet at maturity.

Squares and promenades within a park or town commons may be formally planted with trees parallel to the walkway. Interior portions of parks are encouraged to be kept free of tree plantings. Areas for active recreational use and any facilities which accompany such use should have a tree planting design which integrates the structures into the park and defines the areas set aside for active use from areas of passive use. Plantings in interior portions of parks are encouraged to follow topographical lines.

No areas within a park or town commons should have undergrowth or limbs lower than 12 ft from the ground, to avoid injury or damage to people or property.

Parks are encouraged to be combined with parkways, greenways, and greenbelts.

5.5.8.6 Parkways and Greenways



PARKWAYS and GREENWAYS

Parkways and greenways are linear corridors of open space incorporating natural features such as creeks and significant stands of trees within neighborhoods for conservation and recreation purposes. They separate walkers, joggers, and cyclists from vehicular traffic and provide a safe transportation corridor linking neighborhoods with parks, schools, cultural & historic sites, and other developed areas.

Parkways are entirely bounded by streets, while greenways may or may not be.

Interior areas within parkways and greenways should remain natural, and any new plantings should be native species arranged informally. New trees along street rights-of-way should be planted a minimum of 10 feet and a maximum of 30 feet on center, with one species type.

5.5.8.7 Greenbelts

GREENBELTS

Greenbelts run along the perimeter of a neighborhood or town, and serve to buffer a neighborhood from surrounding non-compatible uses such as a highway corridor or industrial district, or a town from agricultural areas or adjacent towns.

Greenbelts are generally left natural, but may include walking trails. Schools located adjacent to greenbelts may provide recreational and athletic fields within the greenbelt.

Tree-planting and landscaping is usually not required along road rights-of-way within greenbelts.

5.6 Off-Street Parking Design Regulations

5.6.1 Off-Street Parking – General Design Principles

Off-street parking areas should be designed to minimize breaks in the pedestrian environment along the public street and to create safe and comfortable passage for pedestrians. The following standards will therefore be met.

A. Curb cuts will be minimized.
B. Driveways may be shared with adjacent property owners, provided the recordation of cross-access easements.
C. Parking lots will be placed behind or beside buildings. Off-street parking is not permitted in front of the primary building façade, except where specified in an adopted street section, where detailed as a public plaza, or when insufficient room is available to provide adequate parking along the side or rear of the building.
D. Uninterrupted areas of parking lot will be limited to 36 spaces. Large parking lots will be broken by buildings and/or landscape features.
E. Parking lots will be designed to allow pedestrians to safely move from their vehicles to the building. On small lots (thirty-six spaces or less), this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building. These corridors are to be delineated by paint striping or a paving material that differs from that of vehicular areas and are planted to provide shade. Small posts or bollards may be included to further delineate and protect pedestrian ways within parking areas.
F. To maintain pedestrian comfort and to help calm the speed of entering traffic, driveways to parking areas should not exceed 24 feet in width (for 2 lanes) or 12 feet in width (for 1 lane). Exceptions may be made for additional turn lanes, subject to the issuance of a Special Use Permit by the Town Board of Aldermen, and if required by the Town of Elon or NC DOT.
G. Adjoining parking lots serving non-residential buildings will be interconnected.
H. Parking, loading, and other vehicular access should occur at mid-block or alley.
I. Parking areas will not abut pedestrian-oriented street intersections or civic buildings, be adjacent to squares or parks, or occupy lots which terminate a vista.
J. Off-street parking areas will be designed to facilitate adequate movement and access by sanitation, emergency, and other public service vehicles without posing a danger to pedestrians or impeding the function of the parking area.
K. Off-street parking areas will be designed so that parked vehicles do not encroach upon or extend into public vehicular travelways and sidewalks, or strike against or damage any wall, vegetation, utility, or other structure.
L. All parking areas will be curbed using a standard curb with a minimum width of 1.5 feet. This requirement may be waived to permit sheet flow drainage into pervious areas or as part of an alternative engineered storm water retention system.

5.6.2 Parking Requirements

5.6.2.1 Off-Site Parking

Off-site parking is allowed in all planning areas except the Rural Residential and Suburban Residential Planning Districts. Off-site parking must be ¼ mile or less from the primary structure requiring the parking, as measured along the pedestrian access route.

5.6.2.2 Amount of Off-Street Parking Required

Sufficient off-street parking must be provided to serve the needs of a particular building or development. On-street parking in front of buildings may be used to satisfy the following parking requirements:

Uses	Number of parking Spaces Required
Residential – Multi-family Dwellings (Apartments, Condominiums, Townhomes)	1.25 spaces per one bedroom units 1.50 spaces per two bedroom units 2.00 spaces per three bedroom units
Residential – Attached and Detached Homes	2 spaces per home
Universities/Colleges/Post-Secondary Schools	1 space for every 2 students and 1 space for every employee/university staff
Commercial Uses (Retail, Office, Restaurant)	1 space per 500 square feet
Manufacturing/Warehousing/Light Assembly	.25 spaces per 1,000 square feet of non-office space
Bed & Breakfast Inns / Hotels / Motels	1 space per room or suite
Civic Uses	No Minimum

Exceptions:

A. In the Town Center Planning District, existing buildings which were legally constructed without the provision of on-site parking, and infill housing on existing lots of record may meet parking requirements with on-street parking, and be considered as conforming. Such buildings are eligible for change-of-use permits for building up-fits and expansions.
B. Residential buildings may meet or contribute to meeting parking requirements with on-street parking if individual driveways are minimized and the fronting street is specifically designed to meet the parking needs of the residential buildings.
C. See 5.6.2.8 – Shared Parking below.

5.6.2.2.1 Paved Parking

Required parking areas or spaces, access-drives, travel-ways, loading areas, and vehicle use areas must be paved, marked, signed, surfaced, and maintained with asphalt, concrete, or similar material as to provide a durable and dustless surface that will accommodate intended traffic volumes, and weights. The following items will apply:

A. Access drives shall be paved and maintained from curb line to a point at least (20) feet beyond the public right-of-way for all parking and loading facilities, whether paved or unpaved.

B. The following shall be exempt from the requirements of this section (Sec. 5.6.2.2.1): a) agriculture uses, b) single family detached houses, and c) temporary special events.
C. Alternative paving materials can be used in lieu of asphalt or concrete, if such material(s) will promote a reduction in stormwater runoff. The alternative material must exhibit equal wear resistance, and load bearings as concrete or asphalt. Alternate paving materials or parking surfaces must be approved by the Town Manager, Town Engineer, and LDO Administrator.
D. All existing driveways and parking areas that do not meet the requirements of Section 5.6.2.2.1 are considered nonconforming, and must abide by the provisions of Chapter 9-Nonconformities of the Land Development Ordinance for the Town of Elon. Section 5.6.2.2.1 will have to be met, if any of the following items take place: (1) new development(s), (2) a change of use(s) (as determined by the LDO Administrator), or (3) an expansion of an existing parking lot or loading area of more than (40) percent.

5.6.2.3 Bicycle Parking

All non-residential and multi-family residential buildings will include an area for parking bicycles. This area may be a designated parking space within the parking lot near the building or an area outside the parking lot adjacent to the building. The bike parking area must include a bike rack.

5.6.2.4 Overflow Parking

Off-street areas used for special event parking (to accommodate occasional overflow volumes) may be constructed of any dust-free compacted, pervious ground cover; the owner of the property will be responsible for the maintenance of such parking in a clean and dust-free condition. Grass and mulch are examples of acceptable pervious ground cover.

5.6.2.5 Structured Parking

Where above-ground structured parking is located at the perimeter of a building, it should be screened in such a way that cars are not visible from adjacent buildings or the street. Locating structured parking at the interior of the block, surrounded by buildings, is the preferred method.

5.6.2.6 Parking Space Dimensions

A. Parking space dimensions (other than those designed for the disabled) will be a minimum of 19 feet long and 9 feet wide. Parking spaces will be dimensioned in relation to curbs or aisles, so long as their configuration, area, and dimensions satisfy the requirements of this Section.
B. Parallel parking space dimensions will be a minimum of 20 feet by 8 feet.

5.6.2.7 Aisle and Driveway Widths

A. Parking area aisle widths will conform to the following table, which varies the width requirement according to the angle of parking.

Aisle Width	**0°**	**30°**	**45°**	**60°**	**90°**
One Way Traffic	12	14	16	16	18
Two Way Traffic	18	20	22	22	24

B. Driveways will be a minimum of 12 feet in width for one-way traffic and 18 feet in width for two-way traffic. In no case will a driveway width exceed twenty-four (24) feet, except as required by the Town of Elon or the North Carolina Department of Transportation (NCDOT).

5.6.2.8 Shared Parking

A. Adjacent lots serving non-residential buildings must be interconnected.
B. Where vehicular access is provided between adjoining non-residential uses and the operating hours of adjoining uses do not overlap, all of the required parking spaces (up to 100%) may be shared. For example, if a church, theater, assembly hall or other use with peak hours of attendance at night or on Sundays, is located next to another use or uses that are closed at night or on Sundays, both uses may be able to take advantage of this option.
C. If the operating hours of adjoining non-residential uses overlap five or fewer hours each day, half of the required parking spaces (up to 50%) may be shared.
D. The joint use of shared off-street parking between two uses must be guaranteed by a contract or other legally binding document between two or more adjacent property owners.

5.6.2.9 Disabled Parking

A. Except for a lot containing a single-family or duplex dwelling, all uses will provide parking for the disabled in accordance with the North Carolina Building Code. The number of such spaces will be in addition to any required spaces.
B. Off-street parking spaces for the disabled will be designed as follows:
    1. All spaces for the disabled will have access to a curb-ramp or curb-cut to allow access to the building served, and that access is not facilitated by movement behind parked vehicles. These spaces will be located the shortest possible distance between the parking area and the entrance to the principal building. The route must be identified by striping or other markings.
    2. Parallel parking spaces for the disabled will be located either at the beginning or end of a block or adjacent to alley entrances. Curbs adjacent to such spaces will not interfere with the opening and closing of vehicle doors.
    3. Each parking space for the disabled will be paved and prominently outlined with paint, with a permanent sign of a color and design approved by the North Carolina Department of Transportation, bearing the internationally accepted wheelchair symbol, posted at the head of the parking space with fine amounts listed.
    4. The size of the parking space and associated access ramps or curb cuts will be per North Carolina Building Code specifications.

5.6.3 Parking Lot Landscaping Requirements

5.6.3.1 General Requirements

A. All new or expanded impervious surfaces in existing parking lots with 5 or more spaces will comply with this section of the land development ordinance. This will also apply to all new parking lots for storefront, workplace, civic, attached house, and apartment building types.
B. All areas not specifically required for parking or circulation should be landscaped.
C. Parking lots are to be treated as enclosed rooms for cars. For small lots (36 spaces or less), landscaping will be required at the perimeter; for large lots (more than 36 spaces), landscaping will be at the perimeter and the interior. In large lots, the landscaping will be placed to break the lot into parking modules of not more than thirty-six spaces [See Diagram of Off-Street Parking Design for Typical Conditions below.]

5.6.3.2 Perimeter Parking Lot Landscaping Requirements

A. Perimeter landscape areas will be a minimum of 10 feet in width adjacent to all parking spaces and travel areas. Screening within this area will be provided by installing a continuous row of evergreen shrubs planted at a maximum of 6 feet on center with a minimum height of 3 feet at installation (and an expected height of 6 feet at maturity).

B. For parking lot edges abutting street rights-of-way, a 3 foot masonry wall may be installed at the back of the sidewalk to provide casual seating in place of, or in addition to the required evergreen shrubbery screen.
C. In addition to the required evergreen shrubbery screen, large maturing canopy trees will be planted not more than 40 feet on center. Tree planting strips at the perimeter of lots will be a minimum of 10 feet in width. Only where pre-existing overhead utility lines prevent use of large maturing trees may small maturing trees be substituted at a maximum of 30 feet on center.
D. Existing vegetation located in the perimeter landscape area which meets these screening and/or tree standards may be applied toward these landscaping requirements.
E. Parking lots behind buildings that are connected the length of the parking area need not have perimeter landscaping between the two lots. If the two lots are connected by a drive only, the requirement will be for 5 feet of landscaping at each lot.

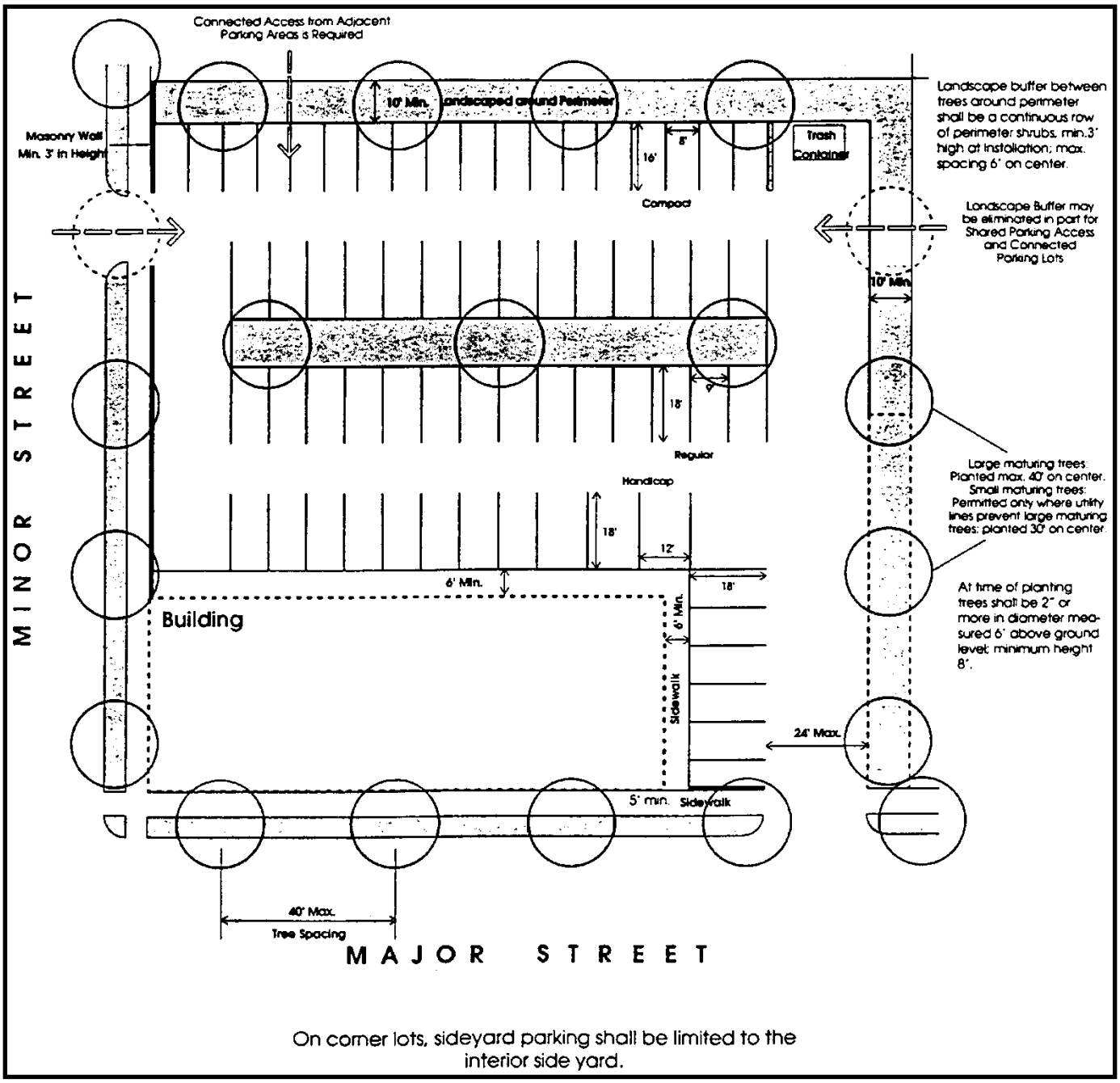
5.6.3.3 Interior Parking Lot Landscaping Requirements

A. Landscape islands within parking lots will be located so as to define and direct vehicular movement. Landscape islands will have a minimum width of 8 feet, edges with a curb at least 6 inches in height to minimize damage to trees by parking or moving vehicles.
B. Large maturing trees will be planted within the interior landscape islands of parking lots so that each section of parking (up to 36 spaces per section) is enclosed by trees (or a building wall), with a maximum spacing of 40 feet on center
C. Only where pre-existing overhead utility lines prevent use of large maturing trees may small maturing trees be substituted.
D. Dumpsters will be set on a concrete bed and be hidden by an opaque fence of sufficient height to screen fully the bin and other appurtenances. No screen will be less than 6 feet in height under any conditions. Wooden shadow box fences are recommended.
E. Trash containers such as dumpsters will not be located adjacent to residential property.
F. Fences and walls will be constructed to match the architectural detail of the main building(s).
G. Lots with less than 5 parking spaces are not subject to the parking area landscaping provisions of this section.
H. All mechanical equipment will be screened from view.

5.6.3.4 Parking Lot Lighting Requirements

A. Parking lots, loading areas, and walkways must be adequately lighted by lighting fixtures on standards ranging from 8 up to 20 feet in height, with full spectrum bulbs.
B. Lighting fixtures must be installed so as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.

Off-Street Parking Design for Typical Conditions



(Diagram courtesy of the Town of Mocksville Zoning Ordinance)

5.7 Street and Greenway Design Regulations

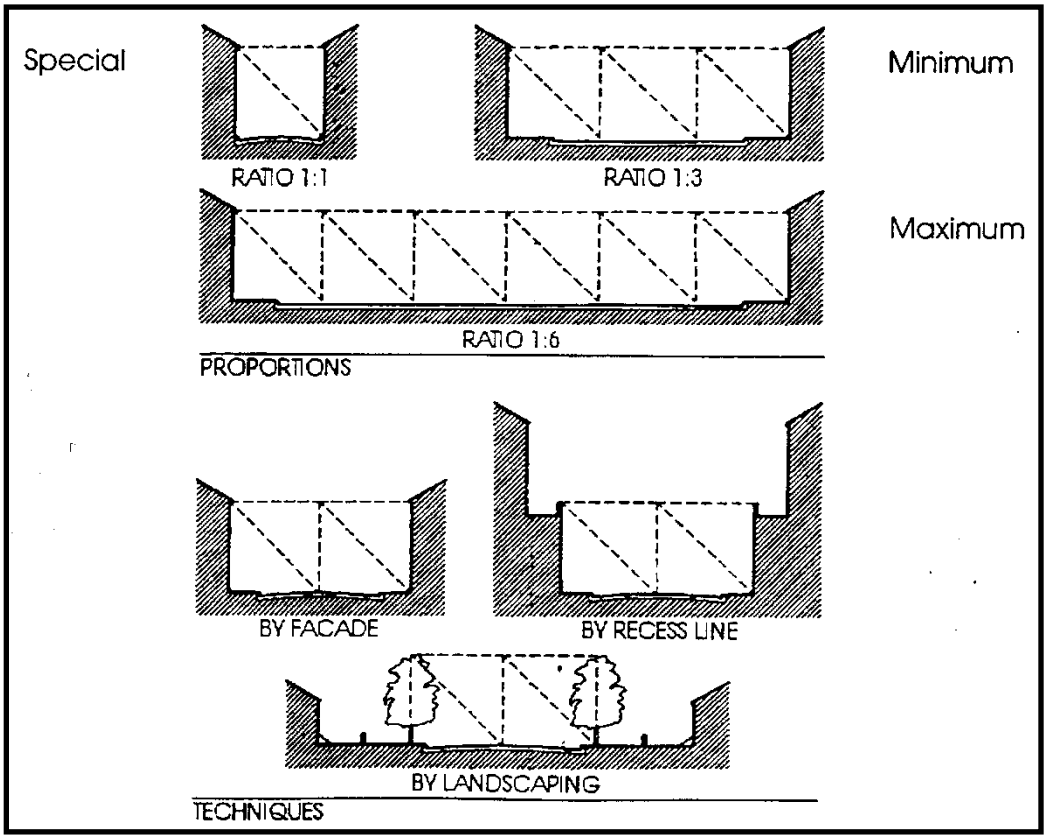
5.7.1 Intent

These regulations are intended to promote the design of streets that match their function, accommodate the appropriate number and speed of vehicles, and help to create a network of inviting, pedestrian-friendly public spaces throughout our community. Elon's hierarchical street network is to be safe, attractive, and friendly for both motorists and pedestrians.

5.7.2 Defining the Public Space of the Street

As the most prevalent public spaces in Elon, streets should be spatially defined by buildings. Proper alignment and delineation of the public street space occurs when the facades of adjacent buildings are aligned much like the walls forming a room. Buildings that make up the street edges are aligned in a disciplined manner. The defined space observes a certain ratio of height to width. Building articulation must take place primarily in the vertical plane of the façade. Appendages such as porches, balconies, and bay windows are encouraged to promote the transition between the public street and the private dwelling.

For good definition, the ratio of one increment of height to six of width is the absolute maximum, with one to three being a good effective minimum. As a general rule, the tighter the ratio, the stronger the sense of place. Very tight relationships of one to one can create special pedestrian places. In the absence of spatial definition by facades, disciplined tree planting is an alternative. Trees aligned for spatial enclosure are necessary on streets with deep building setbacks.



(Diagram courtesy of the Town of Mocksville Zoning Ordinance)

5.7.3 General Street Design Principles

The land development ordinance encourages the development of a network of interconnecting streets that disperse traffic while connecting and integrating neighborhoods with the existing fabric of our community. Equally as important, this ordinance encourages the development of a network of sidewalks, bicycle lanes, and greenways that provide an attractive and safe mode of travel for cyclists and pedestrians. On-street parking is generally encouraged. The following street design principles encourage streets to be designed and used as critical public spaces by both vehicles and people:

A. Streets will interconnect within a development and with adjoining development.
B. Cul-de-sacs are permitted only where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic.
C. Street stubs should be provided with development adjacent to open land to provide for future connections. Stubs must extend to the neighboring property line.
D. Streets are the main public space of the Town and will be scaled to the pedestrian.
E. Streets are designed to be only as wide as necessary to accommodate the vehicular mix serving adjacent land uses, while providing adequate access.
F. New streets and thoroughfares will be bordered by sidewalks on both sides. The Planning Board may grant exceptions upon recommendation by the Technical Review Committee if it is shown that local pedestrian traffic on local streets or other non-pedestrian-oriented streets warrant their location on one side only.
G. Individual residential infill lots within existing neighborhoods that have existing sidewalks must connect with the sidewalk system.
H. New development and redevelopment along existing streets and thoroughfares will require dedication of right-of-way and the building of sidewalks, to connect with the existing sidewalk system.
I. Streets will have street trees planted in a manner appropriate to their function. Commercial streets will have trees which complement the face of the buildings and which shade the sidewalk. Residential streets will provide for an appropriate canopy, which shades both the street and sidewalk, and serves as a visual buffer between the street and the home.
J. Whenever possible, streets should be designed to fit the contours of the land and should minimize removal of significant trees.
K. Whenever a conflict exists among vehicular and pedestrian usage, the conflict should generally be resolved in favor of the pedestrian unless in the best interest of public safety.
L. All streets will be constructed in accordance with the design and construction standards referenced in this ordinance and will be maintained for public access whether by easement or by public dedication.
M. Closed, guarded, or gated streets are strictly prohibited.
N. Street acceptance for public maintenance is at the discretion of the Board of Aldermen or NCDOT following submission of a petition for acceptance.
O. All on-street parking provided will be parallel.
P. The use of traffic calming devices such as raised intersections, lateral shifts, and traffic circles are encouraged as alternatives to conventional traffic control measures.

5.7.4 Street Engineering and Design Specifications

A. Street designs will permit the comfortable use of the street by cars, bicyclists, and pedestrians. Pavement widths, design speeds, and the number of vehicle lanes should be minimized. The specific design of any given street must consider the building types which front on the street and the relationship of the street to the Town's street network.

B. Design and construction specifications will be based on NCDOT standards for streets, sidewalks, bike lanes, greenways and signage. The *Traditional Neighborhood Development Guidelines Manual* and *Subdivision Roads Minimum Construction Standards Manual* published by NCDOT are hereby incorporated by reference.

5.7.4.1 Sidewalks

Sidewalks will be constructed along both sides of all new streets except alleys, lanes, and rural roads. Residential sidewalks will be a minimum of 5 feet in width. Sidewalks serving mixed use and commercial areas will be a minimum of 8 feet in width. In front of retail storefronts within designated activity centers sidewalks will be a minimum of 12 feet in width.

5.7.4.2 Bike Paths

All new developments within the existing town limits will include bike lanes, a minimum of four feet in width, on those streets. New developments outside the town limits will include bike paths a minimum of eight feet in width and separated from vehicular traffic on those streets. Bike lanes and bike paths will be designed according to the *North Carolina Bicycle Facilities Planning and Design Guidelines*, published by NCDOT and hereby incorporated by reference.

5.7.4.3 Cul-de-sacs

Cul-de-sacs may be permitted if topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Cul-de-sacs will not exceed 250 ft in length from the nearest intersection with a street providing through access. A “close” is preferred over a cul-de-sac (see Section 5.5 - Open Space Regulations above).

5.7.4.4 Blocks

Blocks will generally be rectilinear in shape, and range from a minimum of 150 feet to a maximum of 600 feet in length between cross-streets. Exceptions may be made where topography, environmental protection, preservation of existing buildings, and/or unique lot configurations offer no practical alternatives. Such exceptions will be approved by the Technical Review Committee prior to final approval. Blocks will have sufficient depth to allow 2 tiers of lots of minimum depth except where single tier lots are required to separate residential development from another type of use, or when abutting a perennial stream or lake.

5.7.4.5 Intersections

A. Street trees and on-street parking will be held 20 feet from intersections to allow turning radius of emergency vehicles.
B. Bulb-outs are discouraged at narrow streets (less than 30 feet outside of curb to outside of curb), but encouraged on wider streets.
C. Sight lines will be maintained at all street intersections to permit adequate sight distance.
D. Long segments of straight streets should be interrupted by intersections designed to:
    1. Disperse traffic flow and reduce speeds, thereby eliminating the creation of de facto collector streets with high speed / high volume traffic.
    2. Terminate vistas with a significant natural feature, a prominent building, a small park, or other public space.

5.7.4.6 Utility Location

Underground utilities should be located in alley and lanes whenever possible. If no alley or lane is provided, then a 5-foot (minimum) utility easement will be provided behind the sidewalk located within either the right-of-way or a public utility easement.

5.7.4.7 Curbs and Drainage

Curbing is required along all streets except in the Rural Residential District, according to NCDOT design standards. Drainage will be provided using closed curb and gutter systems along all streets except in the Rural Residential Planning District.

5.7.4.8 Street Lights

Streetlights will be installed by the developer on all streets at an average separation of 160 to 200 feet. The Town will accept responsibility of the lights at the time streets are accepted for maintenance.

5.7.4.9 Pedestrian Crosswalks

Where deemed necessary by the Technical Review Committee, a pedestrian crosswalk at least 10 feet in width may be required to provide convenient public access to a public areas such as a park, greenway, or school. Crosswalks must be ADA compliant.

5.7.5 Street Types

The following street types will be permitted for use in new developments, in accordance with the *Traditional Neighborhood Development Guidelines Manual* and *Subdivision Roads Minimum Construction Standards Manual* published by NCDOT, and hereby incorporated by reference. Higher order streets may be required by the Technical Review Committee based on a review of a proposed development.

A. Alley
B. Lane
C. Street
D. Avenue
E. Main Street
F. Boulevard
G. Parkway
H. Local
I. Collector
J. Thoroughfare, minor
K. Thoroughfare, major

5.7.6 Required Landscaping along Street Rights-of-Way

A. Except along a rural road, alley, or the park side of a parkway, trees will be planted wherever a new street right-of-way is constructed, or where new construction occurs along an existing street right-of-way.
B. Trees will consist of one large maturing tree per 40 linear feet, minimum. Qualifying existing trees may be applied toward the requirements.
C. High canopy trees are preferred for emergency vehicle maneuvering.
D. For large canopy trees such as Willow Oaks and Red Maples, a wider planting strip may be required. Eight feet is the preferred width for these species.

5.7.7 General Greenway Design Principles

The land development ordinance encourages the development of a network of multipurpose trails that connect active and passive parks, schools, cultural sites, neighborhoods, and commuter destinations. When a greenway is part of a development, the following standards apply.

A. Greenways will be planned along designated linear corridors, including streams, rivers, abandoned railroads, and various utility easements.
B. Greenways will connect to new development wherever possible. Greenway stubs should be provided when development is adjacent to open land scheduled for greenway construction to provide for future connections. Stubs must extend to the neighboring property line
C. Greenways should be designed to fit the contours of the land and should minimize removal of significant trees.
D. All greenways will be constructed in accordance with the design and construction standards in this ordinance and will be maintained for public access whether by easement or by public dedication.

Minor variations and exceptions to greenway cross-sections may be permitted with approval of the Planning Board.

5.7.8 Greenway Engineering and Design Specifications

Greenway designs will permit comfortable use by both bicyclists and pedestrians. Refer to the *North Carolina Bicycle Facilities Planning and Design Guidelines* for specific information on engineering details.

5.7.8.1 Floodway Trails

Multi-use trails within the floodway (see Stream Protection Overlay – Section 3.14) are designed to accommodate a variety of users including walkers, joggers, cyclists, and roller-bladers. These trails are typically positioned within the floodway, but not directly adjacent to streams. A minimum 20 foot vegetative buffer between the stream and trail should be left intact. These trails will be 2 inch machine-laid asphaltic concrete surface with a 4 inch aggregate base over compacted soil.

5.7.8.2 Floodplain Trails

These multi-use trails are positioned outside of the floodway, within the floodplain (see Stream Protection Overlay – Section 3.14). Significant vegetative buffer between the stream and trail should be left intact. Floodplain trails will be a minimum of 10 feet wide. These trails will be composed of 2 inch machine-laid asphaltic concrete surface with a 4 inch aggregate base over compacted soil.

5.7.8.3 Upland Trails

Upland multi-use trails are positioned completely outside designated floodplains. The existing vegetation will remain intact. Upland trails provide the most habitat and water quality benefits. They will be a minimum of 10 feet wide, and composed of 2 inch machine-laid asphaltic concrete surface with a 4 inch aggregate base over compacted soil.

5.7.8.4 Boardwalk Trails

Boardwalks, or wood surface trails, are typically required when crossing wetlands or other poorly drained areas. Boardwalk trails are composed of lumber or synthetic wood. Boardwalk trails must be a minimum of 8 feet wide.

5.7.8.5 Drainage

Greenways must have a cross slope of 2% to adequately provide for drainage. Slope should be in one direction instead of crowning. On curves, the cross slope should be towards the inside of the curve. In addition, to insure proper stormwater runoff and trail longevity, catch basins with

drains and underground culverts may be required. Natural ground cover should be preserved on each side of the path for erosion control.

5.7.8.6 Bridges

Railings or barriers on both sides of a bicycle path bridge must be a minimum of 54 inches high. Ends of railings must be offset away from the adjoining path to minimize the danger of cyclists running into them. Bridge decks will be designed for a live load of 85 psf. Concrete decks must have bicycle-safe expansion joints. Wood decks must have smooth joints and be laid at least 45 degrees to the direction of travel.

5.7.8.7 Clearance

The vertical clearance to obstructions must be an 8 foot minimum. 10 feet may be required for the passage of maintenance vehicles.

5.7.8.8 Grades

Long downhill grades should be avoided through careful planning. A 5% grade is the maximum grade recommended. Sustained grades should be limited to 2%.

5.7.9 Street and Greenway Acceptance Policy

Before streets or greenways will be accepted for maintenance by the Town of Elon, the following conditions must be met:

A. Streets must be at least 51% developed with occupied buildings.
B. The developer must contact the Town by letter requesting the Public Works Director to inspect the condition of the streets and greenways.
C. If the street or greenway meets Town standards, a resolution date will be set and a one-year waiting period will commence.
D. If the street or greenway does not meet standards, the developer must perform repairs which bring them up to standards. Upon completion of repairs, the developer must request another inspection of the street or greenway; if the repairs are satisfactory, the one-year waiting period will begin at this time.
E. After the one-year waiting period has expired, the Public Works Director will inspect the street or greenway. If standards are still met the Town will notify the developer that the street has been accepted for maintenance purposes. If substandard conditions exist, repairs must be performed and the one-year wait will be reinstated.

5.8 Landscaping Regulations

5.8.1 Intent

The landscaping regulations apply to both public and private property, excluding the development of individual single family or duplex residences. The purpose and intent of these regulations is to establish minimum standards for the preservation of existing vegetative cover, and the planting of new trees and shrubbery within new land development, in order to:

- Better control soil erosion
- Reduce the hazards of flooding
- Stabilize the ground water tables
- Absorb carbon dioxide
- Provide shade for cooling
- Screen noise, dust, and glare
- Enhance property values
- Provide architectural interest and human scale
- Preserve, protect, and enhance the natural environment
- Maintain and/or improve aesthetic values

5.8.2 Tree Preservation

5.8.2.1 Preservation of Existing Vegetation

A. Existing vegetation will be preserved whenever feasible. The decision to preserve trees shown on the environmental inventory will be made jointly by the LDO Administrator, development design team, and Planning Board if required, during the project approval process.
B. When selecting which trees to preserve, the following will be considered: existing and proposed grading; age, condition and type of tree; and location of site improvements and utility connections.
C. Trenching, placing backfill, driving, or parking equipment in the critical root zone, and the dumping of trash, oil, paint or other materials detrimental to plant health in close proximity of the trees to be preserved is prohibited.
D. Should any tree designated for preservation in the landscape plan die, the owner will replace it within 180 days, or as soon as weather permits, with landscaping equal to what would be required in this ordinance.

5.8.2.2 Preservation of existing vegetation during construction

A. Protective barricades will be placed around all trees designated to be saved, prior to the start of development activities or grading. These barricades will consist of 2”x 4” posts with 1”x 4” rails or orange safety fence. Protective barricades will remain in place until development activities are complete.
B. The area within the protective barricade will remain free of all building materials, stockpiled soil or other construction debris. Construction traffic, storage of vehicles and materials, and grading will not take place within the protective areas of the existing trees.
C. Barricades will be erected at a minimum distance of 10 feet from the base of protected trees, or outside the dripline – whichever is greater.

D. Construction access to a site should occur where an existing or proposed entrance/exit is located.
E. Except for driveway access points, sidewalks, curb and gutter, land disturbance within a tree dripline is discouraged.
F. Where grading within a tree dripline cannot be avoided, cut and fill will be limited to ¼ to ½ of the area within the dripline, tree roots must be pruned with clean cuts at the edge of the disturbed area, and no fill will be placed within the dripline of a tree without venting to allow air and water to reach the roots.

5.8.3 Landscaping

5.8.3.1 Parking Lot Landscaping Requirements

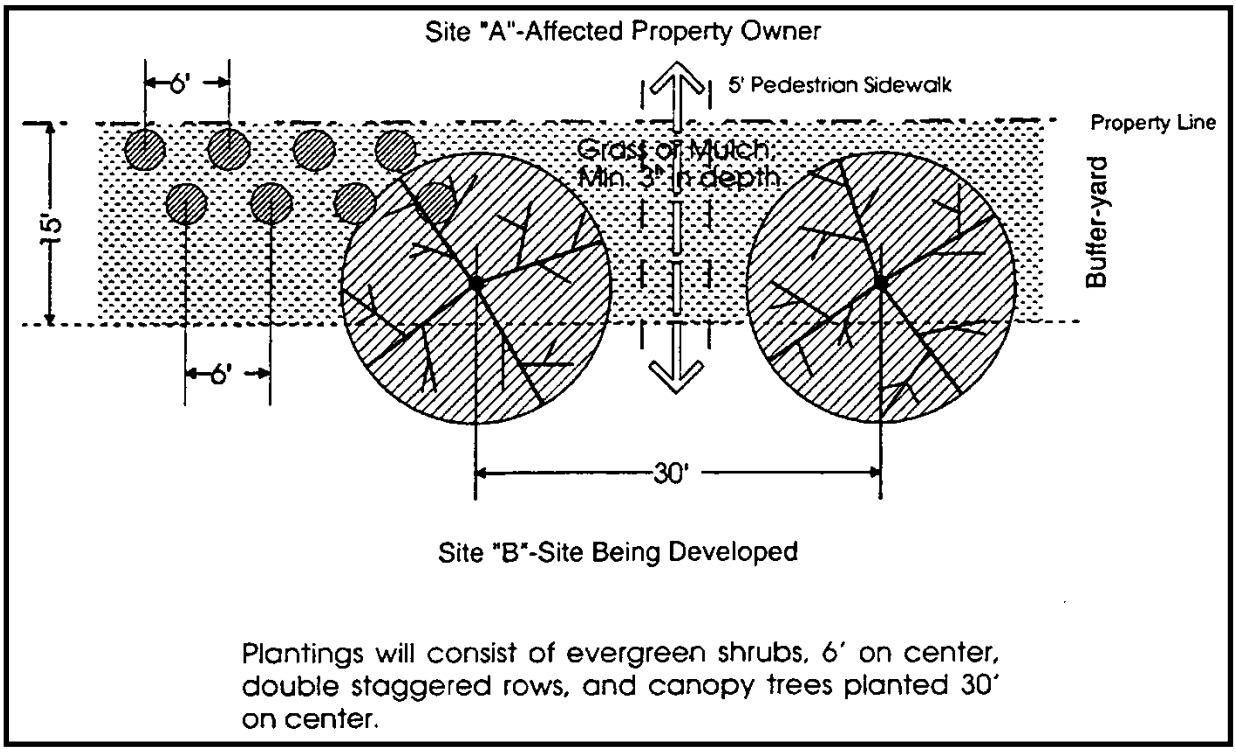
See Sub-Section 5.6.3 – Parking Lot Landscaping Requirements.

5.8.3.2 Landscape Buffer Requirements

The following regulations apply to properties where a landscape screen or buffer is required during the project approval process. [For example, in situations where a new building is expected to create an incompatible relationship with existing buildings or districts, such as large scaled workplace buildings adjacent to existing residential uses. Screens are required to protect against noise, lighting and other disruptive effects, to protect the character of residential areas, and to conserve property values]:

A. A minimum 15 foot wide pervious buffer space will be provided.
B. Required landscaping will consist of a minimum of 6 large maturing trees (minimum 50% evergreen) and 40 medium shrubs (minimum 75% evergreen) for each 100 linear feet, to provide continuous coverage.
C. New trees and shrubs should be evenly spaced at planting, with trees having an 8-foot minimum installed height, and shrubs have a 36-inch minimum installed height.
D. For dimensions of less than 100 feet, plantings and spacing will be in proportion to the basic ratio described above.
E. A solid masonry wall, minimum 6’ in height, may be substituted for required shrubs.
F. Where a natural buffer exists, it is to remain undisturbed. No limbing up. Remove dead wood only. Do not remove undergrowth.
G. All buffers required by the Stream Protection Overlay regulations (Section 3.14) will remain completely undisturbed.
H. Chain link and similar fencing materials, if used in addition to a landscape screen, will be planted on their exterior side with evergreen shrubs a minimum 3 feet in height and 6 foot on center at installation.
I. No mechanical equipment such as air conditioner units are permitted within the buffer area.
J. Permanent detention and temporary erosion and sedimentation control basins are prohibited in buffer yards.
K. Where existing topography prevents the strict application of these standards, alternative screening methods which perform to the same or higher level will be considered.
L. Utility easements may cross but not be placed within the long dimension of a buffer yard.
M. Wherever practical, pedestrian access will be provided through the buffer yard. For example, neighborhoods adjacent to the rear of commercial development.

Example Buffer Yard Site Plan



5.8.3.3 Planting Standards for Trees and Shrubs

A. All new plant material will be of good quality, installed in a sound, workman-like manner and meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen. The contractor or developer will warrant all new plant material for 2 years from time of installation.
B. All trees will be properly guyed or staked and mulched (3-4 inch layer) in accordance with accepted practices in the landscape industry, to prevent winds from loosening the roots.
C. Where large maturing trees are required and overhead utility lines exist, small maturing trees planted 1 per 30 linear feet will be substituted with the approval of the Technical Review Committee.
D. The owner of the property is responsible for the continued proper maintenance of all landscaping materials and will keep them in a proper, neat and orderly appearance, free from refuse and debris. All dead or unhealthy plant material will be replaced within 180 days to maintain the quality of the landscaping. In no instance will the Town of Elon be responsible for the maintenance of any vegetation unless such vegetation is located within the public right of way of a Town maintained street or is located on property owned by the Town of Elon.
E. Where new landscape materials are to be installed, the type of material used will be complementary to plant materials existing on the property and on adjoining properties. Use of native plant materials is encouraged.
F. At installation, large maturing trees will not be less than 10 feet in height with a minimum 2-1/2 inch caliper. Small maturing trees will be a minimum of 1-1/4 inch caliper and have a minimum height of 8 feet. Installation and construction practices will be utilized which preserve and replace existing topsoil or amend the soil to reduce compaction.

G. At installation, evergreen trees will not be less than 8 feet in height with a minimum 2 inch caliper.
H. At installation, small shrubs will be a minimum 2 feet in height and medium or large shrubs a minimum of 3 feet in height. Installation and construction practices will be utilized which preserve existing topsoil or amend the soil to reduce compaction.
I. No plants will be planted within the sight distance triangle at an intersection, or driveway access points unless an unobstructed view between 30 and 72 in height in height is maintained.
J. Existing vegetation may be applied toward the requirements of this ordinance.
K. Chain link and similar fencing materials, if used, will be landscaped on their exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation.

5.8.4 Alternative Methods of Compliance

A. Alternate landscaping plans, plant materials, or planting methods may be used where unreasonable or impractical situations would result from application of landscaping requirements, or where necessary to protect existing vegetation. Such situations may result from streams, natural rock formations, topography, or other physical conditions; or from lot configuration, utility easements, unified development design, or unusual site conditions.
B. The Technical Review Committee may approve an alternate plan that proposes different plant materials or methods provided that quality, effectiveness durability, and performance are equivalent to that required by this ordinance.
C. The performance of alternate landscaping plans will be evaluated by the Technical Review Committee to determine if the alternate plan meets the intent and purpose of this ordinance. This determination will take into account the land use classification of adjacent property, number of plantings, species, arrangement and coverage, location of plantings on the lots, and the level of screening height, spread, and canopy of the planting at maturity.
D. Decisions of the Technical Review Committee regarding alternate methods of compliance may be appealed to the Board of Adjustment.

5.8.5 Revisions to Approved Landscape Plans

Due to seasonal planting problems and/or a lack of plant availability, approved landscape plans may require minor revisions. Minor revisions to planting plans may be approved by the LDO Administrator if:

1. There is no reduction in the quantity of plant material.
2. There is no significant change in size or location of plant materials.
3. The new plants are of the same general category (i.e., shade tree, ornamental tree, evergreen, or shrub) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.

5.8.6 Inspection of Sites

A. The LDO Administrator may periodically inspect sites subject to the provisions of this ordinance**.**
B. If, through inspection, it is determined that a site has failed to comply or is no longer in compliance with the provisions of this ordinance, enforcement activities will commence.
C. A certificate of occupancy for the development will not be issued unless the landscaping required under this section is installed in accordance with these standards and in accordance with the approved site plan or subdivision plat.

5.8.7 Emergencies

In the case of emergencies such as windstorms, ice storms, fire, or other disasters, the Town may waive the landscaping requirements of this ordinance during the emergency period so that the requirements of this ordinance will in no way hamper private or public work to restore order in the Town.

5.8.8 Replacement of disturbed and damaged vegetation

5.8.8.1 Re-Vegetation

A. The disturbance of any landscaped area or vegetation required by this section will constitute a violation of this ordinance. All disturbed landscaped areas and vegetation will be replanted to meet the standards of this section as well as the approved site or master plan.
B. Where the vegetation that has been disturbed or damaged existed on the site at the time the development was approved, all replacement vegetation will meet the standards set forth in this section taking into account any unique site conditions and significant vegetation remaining within the landscaped area. Trees or vegetation that die within one year of construction completion, because of contractor negligence, will be removed and replaced with new vegetation of equal or greater in size.
C. Existing vegetation required to be preserved that has been damaged or destroyed during the course of development activity will be subject to civil penalties and replaced in accordance with the requirements of this section.
D. A re-vegetation plan will be submitted that takes into consideration the development condition of the site, significant vegetation remaining within landscaped areas, and the replacement plant materials. The Town of Elon may require equal amounts of new vegetation to be installed equal to the size of the vegetation removed.
E. Replacement consists of one or a combination of any of the following measures:
    1. Replant according to the requirements of this section. A replanting plan denoting the proposed installation will be submitted to the Town of Elon for approval. The LDO Administrator may elect to present the replanting plan to the Planning Board for final approval.
    2. Replace damaged or destroyed significant vegetation in both perimeter and or interior landscaped areas with an equal amount of new vegetation according to the size of vegetation removed. Any tree with a caliper of at least 8 inches that is damaged or removed will be replaced with one or more trees that have a caliper of at least two and one half inches and a cumulative caliper equal to or greater than the original tree. Trees damaged or destroyed less than 8 inches in diameter will be replaced to satisfy the performance criteria of this Section. Understory plantings may also be required to restore the buffer performance criteria for the disturbed area. A revegetation plan denoting the proposed installation will be submitted to the LDO Administrator for approval by the Technical Review Committee.
G. For all other cases where existing vegetation is damaged or removed, the type and amount of replacement vegetation will meet the requirements of this Section.
H. Replanting should be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be selected by the LDO Administrator.

5.9 Lighting Regulations

5.9.1 Intent

The purpose of this section is to provide direction in controlling exterior lighting so as not to adversely affect motorists, pedestrians, and adjacent properties. Lighting intensities should be controlled to assure that light spillage and glare are not directed at adjacent properties, neighboring areas, motorists, or the sky.

5.9.2 Standards for Outdoor Lighting

A. Outdoor lighting will be integrated with the architectural character of the building. Downcast or cutoff type lighting fixtures will be generally used to illuminate pedestrian or traffic circulation corridors and signage.
B. Outdoor lighting will not shine directly into the yard, or into the windows, of a residence.
C. Outdoor lighting will be designed, located and mounted so as to protect the street and neighboring properties from direct glare or hazardous interference of any kind.
D. Outdoor lighting will be installed at heights no greater than 18 feet above grade for non-cut-off lights, or 35 feet above grade for cut-off lights. Proposed uses have the option of providing a lower light post with a non-cutoff type of luminary or a higher pole with a luminary that totally cuts-off spill-over at an angle smaller than 90°
E. Outdoor lighting must be located at least ten feet from property lines defining rear and side yards or required perimeter landscaped areas required by this land development ordinance. Light sources should not be located within any perimeter-landscaped areas except on pedestrian walkways.
F. Outdoor lighting fixtures should be placed to provide uniform distribution of light and to avoid intense lighting that produces excessive glare.
G. Lighting fixtures in scale with pedestrian activities will provide for uniform distribution of lighting to produce minimal shadows.
H. No flickering or flashing lights will be permitted.

5.9.3 Standards for Outdoor Recreational Lighting

Because of their unique requirements for nighttime visibility and limited hours of operation, the lighting of active recreation areas, such as for ball fields and tennis courts are not considered in this Section. Lighting conditions for such uses will be approved by the LDO Administrator, in accordance with approved standards and specifications.

5.10 Sign Regulations *(Amended 5/12/2020)*

5.10.1 Intent

Signs in Elon are to be designed and installed in a manner which complements both the building and the general streetscape. Signs are to be designed to be pedestrian in scale. Signs are generally permitted on workplace, storefront, and live/work buildings.

5.10.2 Sign Permits

A permit is required for the erection, painting, posting, reposting, placing, replacing or hanging of any Sign except where specifically noted below. A fee will be charged for this permit in accordance with the schedule of fees approved by the Board of Aldermen. All Sign permit applications are subject to administrative review and approval by the LDO Administrator.

5.10.3 Allowable Signs

5.10.3.1 Development Entry Signage

One entry sign on both sides of each public street providing access to the development will be permitted for new subdivisions and mixed-use developments. The following standards must be met:

A. The signboard area will not exceed an area 32 square feet per side.
B. The height of the lettering, numbers, or graphics will not exceed twelve (12) inches.
C. The height of the top of the signboard, or of any of the posts, brackets, or other supporting elements will not exceed six feet from the ground.
D. The sign location will not interfere with pedestrian or vehicular circulation or sightlines.
E. Exceptions can be made for items A. through D. as listed in 5.10.3.1 to permit development entry signs with a **special use permit** for large-scale campus uses of 40 contiguous acres or greater including Colleges and Universities, Churches, Hospitals, Nursing and Convalescent Care Homes, Office & Industrial Parks, and Public Parks. The following standards must be met:
    1. The maximum sign area for these uses will not exceed 100 square feet per side.
    2. The maximum height of the sign wall or any attached columns shall not exceed sixteen (16.0) feet.
    3. Ornamentation such as caps, spires, finials or light fixtures are not to exceed eight (8.0') foot height above any sign walls.
    4. Height of lettering, numbers or graphic sizes shall not exceed four (4.0') foot height within the 100 square feet per side allowance.
    5. Ornamental (decorative) landscaping will be required around each development entry sign, and monumental walls.
    6. Development Entry Signs shall be made of masonry construction only.

5.10.3.2 Wall Signs

Wall mounted signs are permitted with the following provisions:

A. Size may be up to 5% of ground floor façade area or 24 square feet per side, whichever is less. Signs of this size may be installed only on buildings facing a public street.
B. One additional wall sign, up to 6 square feet in area, is permitted on any side or rear entrance that is open to the public.
C. Maximum height is 18 feet above the sidewalk.
D. Applied letter signs may substitute for wall signs.

E. Wall signs may be increased by 50%, or 36 square feet, whichever is less, for buildings whose wall faces University Drive in the Commercial, Office & Institutional, Village Center, and Industrial Planning Districts.

5.10.3.3 Projecting Signs

Signs which project from the face of a building will be permitted with the following provisions:

A. Maximum sign area is 6 square feet per side.
B. Distance from the lower edge of the signboard to the ground will be seven feet or greater.
C. Height of the top edge of the signboard will not exceed the height of the wall from which it projects for single story buildings, or the height of the sill or bottom of any second story window for multi-story buildings.
D. Distance from the building to the signboard will not exceed 6 inches.
E. Width of signboard will not exceed three feet.
F. Limited to one sign per building.

5.10.3.4 Freestanding (ground-mounted) Signs

Where a building is setback at least 5 feet from the front sidewalk, freestanding signs are permitted with the following conditions:

A. Maximum sign area is 8 square feet per side.
B. The height of the top of the signboard, or of any posts, brackets, or other supporting elements will not exceed 7 feet.
C. The sign must be located within 10 feet of the main entrance to the business.
D. Limited to one sign per building.
E. In the case of a group of buildings or shops that act as a unit, one freestanding sign may be erected to advertise all of the businesses.

5.10.3.5 Awning Signs

Where awnings are provided over windows or doors, awning signage is permitted with the following provisions:

A. Maximum 10 square feet in signage area on main face of awning and 4 square feet on awning valance is allowed at the building's main entrance.
B. One sign, on either the main face or valance is permitted on awnings at secondary entrances or windows.

5.10.3.6 Window Signs

Signs directly adhered to windows or doors are permitted with the following conditions:

A. Maximum size is 10% of window area or 4 square feet, whichever is less.
B. Must be silk-screened or hand painted.
C. Limited to one sign, on either the window or door.

5.10.3.7 A-Frame Signs

A-Frame sidewalk signs are permitted under the following conditions:

A. Directional signs for businesses are located in the rear of a building.
B. The sign location will not interfere with pedestrian or vehicular circulation or sightlines
C. The signboard does not exceed 6 square feet per side.
D. The sign is constructed of durable materials.

5.10.3.8 Project Construction Signs

Project construction signs are permitted at construction sites with the following provisions:

A. The sign does not exceed 32 square feet.

B. The sign is removed within 15 days of the completion of the project.
C. The sign location will not interfere with pedestrian or vehicular circulation or sightlines.

5.10.3.9 Other Signs

A. Wall-mounted building directory signs identifying the occupants of a building are permitted. They must be located next to the entrance, may project no more than 6 inches from the wall, and may be a maximum of 3 square feet.
B. Business service entrances may be identified with one sign not exceeding 2 square feet.
C. One directional sign, facing a rear parking lot is permitted. This may be either wall-mounted or freestanding and is limited to two square feet.
D. Electronic Message Boards in the PI (Public Institutional) Planning District only; Electronic Message Board are permitted under the following conditions:

    1. No commercial messages or advertising may be displayed; only public announcements, public information or events may be displayed.
    2. Electronic Message Boards on which the copy changes automatically on a lampbank, such that the message or display does not run continuously in the travel mode, and any message or display remains stationary for a minimum of two seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum two seconds shall be considered a flashing sign.
    3. Electronic Message Boards cannot project more than twelve (12) inched from the wall face.
    4. Electronic Message Boards cannot exceed more than thirty-six (36) square feet of total sign area. This will not count against the total wall sign area as mentioned in Section 5.10.3.2.
    5. Limited to one (1) Electronic Message Board per wall area or wall face.
    6. Electronic Message Boards cannot be located within a hundred feet of a residential dwelling. (as measured from closest point to closest point from the sign to the residential dwelling.)

5.10.4 Number of Signs Permitted

Each building may contain two signs from the following list:

- Wall Sign
- Awning Sign
- Freestanding Sign
- Window Sign

Each building may also utilize one projecting sign. Service entrance signage, building directory signage, and parking directional signage is permitted in addition to the main business signs.

5.10.5 Exempt Signs *(Amended 9/14/21)*

The following signs do not require a permit:

A. Signs erected for orderly traffic control and other municipal or governmental purposes will be permitted, including historical monuments, markers, and signs erected by a public authority.
B. Temporary signs giving information pertaining to construction taking place on the lot upon which the sign is located are permitted only after the issuance of a building permit. Such temporary signs will be removed prior to issuance of the final certificate of occupancy.

C. Signs advertising agricultural products produced on the premises will not exceed 4 square feet in area. There will be a limit of one such sign for each street abutting the lot. Such signs will be taken down during the seasons those agricultural products are not being sold.
D. Realty "For Sale" or "For Rent" signs, on the premises offered for sale or rent, not exceeding 4 square feet per side in area. One sign will be allowed for each street abutting the lot.
E. Temporary civic, cultural, and public service window posters, when located inside commercial establishments.
F. Temporary promotional or special sales window signs, when posted inside commercial establishments for up to 30 days.
G. Campaign or Elections Signs – Temporary campaign or election signs may be placed in the right-of-way of the State highway system only in accordance with G.S. 136-32. In part, this statute includes the following provisions, which shall also be applied to temporary campaign or election signs in the right-of-way of Town of Elon maintained streets:

    1. The period where such signs are allowed begins on the 30th day before the beginning date of "one-stop" early voting under G.S. 163 and ends on the 10th day after the primary or election day;
    2. The agency or individual responsible for the placement of the sign must obtain the permission of any property owner of a residence, business, or religious institution fronting the right-of-way where a sign would be erected;
    3. No sign shall be permitted in the right-of-way of a fully controlled access highway;
    4. No sign shall be closer than three feet from the edge of the pavement of the road;
    5. No sign shall obscure motorist visibility at an intersection;
    6. No sign shall be higher than 42 inches above the edge of the pavement of the road;
    7. No sign shall be larger than 864 square inches (6 square feet);
    8. No sign shall obscure or replace another sign.

    In addition to the requirements listed above, the following requirements shall apply to the placement of temporary campaign or election signs in the right-of-way of Town of Elon maintained streets:

    1. No sign may be placed on utility poles, traffic control signal poles, street signs, or any other sign or sign support erected by a duly constituted governmental body;
    2. No sign shall be stapled, nailed, or otherwise attached to a tree or other living plant;
    3. Any sign which is determined to be a hazard or otherwise threatens the health, safety, and welfare is prohibited;
    4. Portable signs shall not be allowed for political purposes;
    5. Such signs may not be illuminated.

    The following provisions shall regulate campaign and election signs placed on property adjacent to State or Town rights-of-way:

    1. Permission from the property owner must be obtained prior to placement;
    2. No setback from the property line shall be required;
    3. The maximum square footage of a campaign or election sign located on private property shall not exceed 32 square feet;
    4. The maximum height shall be 60 inches above adjacent grade;
    5. No such sign shall be placed on roofs or painted on roofs;

6. The maximum number of campaign or election signs on any individual parcel shall be limited to six (6).

H. Signage located in the **TC-1 Planning District** shall follow the sign guidelines of the Elon Downtown Master Plan "Retail Signage Design Criteria" as adopted by the Town of Elon Board of Aldermen.

5.10.6 Prohibited Signs

The following signs are prohibited:

A. Signs that are dilapidated or in disrepair.
B. Internally illuminated signs.
C. Signs on roofs, chimneys and balconies.
D. Billboards.
E. Off-site advertising signs except for buildings on a pedestrian walkway.
F. Flashing or blinking signs.
G. Moving signs (Except for Electronic Message Board signs referenced in Section 5.10.3.9 (D).
H. Mobile signs.
I. Banners, except those announcing public events sponsored by non-profit organizations. Such banners may be hung over street rights-of-way in the Town Center, provided that:
    1. Application is made 10 days before the event,
    2. The sign is removed the first working day following the event,
    3. It has no commercial advertising of any kind,
    4. It remains in place for not more than one week,
    5. It does not exceed 50 square feet in area, per side,
    6. It is hung at least 18 feet above the street, and
    7. Permission has been given by the LDO Administrator.

5.10.7 Sign Permitting Process

All signage must be reviewed by the LDO Administrator and approved by the Planning Board. Copies of the proposed layout for the sign (8½" x 11" or 11" x 17" preferred), photographs (or color copies) of the proposed location, and representative material samples are required for presentation to the Planning Board.

5.10.8 Sign Area and Height

SIGN SURFACE AREA

Area provisions of these regulations are calculated from "sign surface area" dimensions, defined as the area of a geometric shape enclosing any message, logo, symbol, name, photograph, or display face.

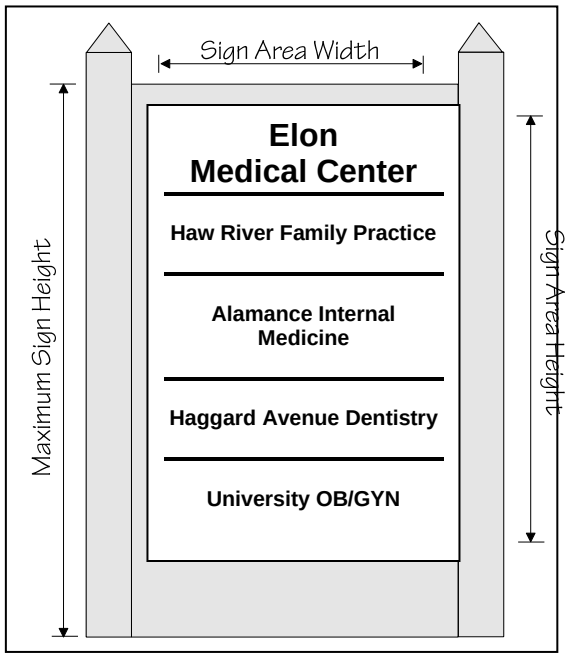
SIGN FRAME AREA

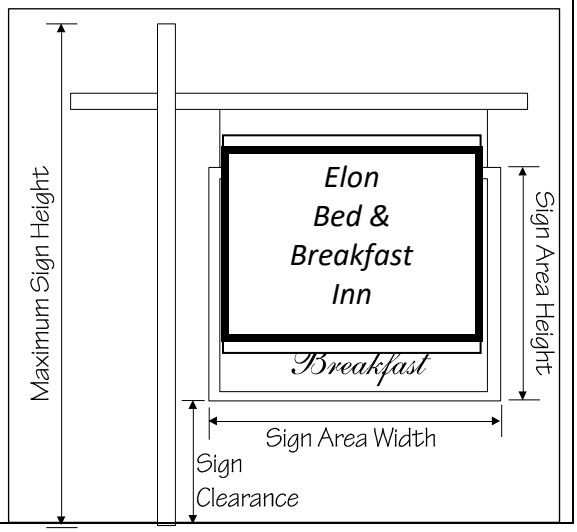
The dimensions of a geometric shape formed by all supports and embellishments (including frames, braces, and borders), which extend beyond the sign surface area, and that enclose the sign surface area.

In the case of signs mounted back-to-back, only one side of the sign is to be used for computation of the area. Back-to-back signs will be defined as double-faced signs. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display surface is included in computations of area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed will be calculated in the sign area.

SIGN HEIGHT

The height of a sign will be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps and spires are not included in this measurement. The use of raised landscape areas (berms) is only permitted to raise the base of the sign to the mean elevation of the fronting street.





5.11 Fence and Wall Regulations *(Adopted 5/12/2020)*

5.11.1 Intent

The purpose of this section is to establish minimum standards for the construction and design of fences and walls in all planning districts within Elon's jurisdiction.

5.11.2 Permit Required

A Planning Compliance Permit is required for the erection of new fences and walls or for replacement of existing fences and walls.

5.11.3 Allowable Fence and Wall Types

The following types of fences are allowed in all planning districts:

A. Open picket fences.
B. Post and rail fences.
C. Solid plank fences.
D. Ornamental iron or aluminum fences.
E. Brick or stone (solid or pierced) walls.
F. Open wire fencing (such as woven wire and chain link). Except as otherwise provided, open wire fencing in a front yard or adjacent to a street in a residential planning district shall be screened from view from nearby public streets using a planted hedge.

5.11.4 Prohibited Fence Types

The following fence types are prohibited:

A. Fences constructed primarily of barbed or razor wire, or fences carrying electrical current, except for the purpose of enclosing livestock.
B. Fences constructed of readily flammable material such as paper, cloth, or canvas.
C. Fences topped with barbed or razor wire in residential districts, except those serving a public institution for public safety or security purposes in non-residential districts, in which case the wire may be no lower than six (6) feet above grade.

5.11.5 Fence and Wall Placement and Dimensions

Fences or walls shall be no higher than four (4) feet between the street right-of-way and a line corresponding with the front façade of the principal structure. Fences or walls in rear or side yards are limited to six (6) feet in height in residential districts and eight (8) feet in non-residential districts. Exceptions to height regulations apply to utility facilities, solid waste disposal facilities, and hazardous waste facilities, where fences may be 12' in height with the bottom four (4) feet screened from view from nearby public streets using a planted hedge.

5.11.6 Additional Fence and Wall Requirements

A. No fence, wall, post, or required hedge shall be installed so as to obstruct visibility at a street intersection or driveway entrance.
B. Fences must be erected with posts, supports, stringers and all unfinished materials facing the owner's property and residence or other primary structure.

C. Fence or wall height shall be measured at the highest point, not including columns or posts, of the fence or wall section as measured from the grade on the side nearest the abutting property or street.
D. Columns or posts shall not extend more than eighteen (18) inches above the built height of the fence. Retaining walls or berms below a fence shall be considered as part of the overall height of the fence. Safety railings required by the N.C. Building Code shall not be subject to height measurements.
E. Any fence or wall which, through neglect, lack or 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 owner of the property upon which the fence is located shall be required to repair, replace, or demolish the fence causing the nuisance.
F. No fence or wall shall block access from doors or windows. Fences shall be located at least two (2) feet from building walls except where fences or walls project from a building wall.
G. Fence and wall construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale, natural drainageway, or ditch.
H. No fence or wall shall be located within a utility easement without review and written approval by the utility provider.

CHAPTER 6 – DEVELOPMENT REVIEW PROCESS

6.1 General Provisions

The development review process as established provides the applicant an opportunity to submit a preliminary development plan for review by the Land Development Ordinance (LDO) Administrator prior to the submission of detailed plans. The Development Plan will serve as the guiding document in the review of the required documents for final approval and permitting.

The Town of Elon Board of Aldermen will adopt from time to time, a schedule of fees for applications and processing as specified in this ordinance.

6.2 Applicability

The Provisions of this Chapter apply to all Major and Minor Site Plans, Major and Minor Subdivisions, Major Development Plans, and Special Use Site Plans. All development proposals will be submitted, reviewed and processed in accordance with the requirements of this Ordinance.

No planning permits will be issued until the appropriate approvals have been issued by the LDO Administrator.

6.2.1 Exceptions *(Amended 6/15/2021)*

A. Agricultural Areas in Municipal Extraterritorial Jurisdiction – Property that is located in the Town's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the Town's zoning regulation. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes becomes subject to exercise of the Town's extraterritorial planning and development regulation jurisdiction. For purposes of complying with State or federal law, property that is exempt from municipal zoning pursuant to this subsection is subject to the county's floodplain regulation or all floodplain regulations of the county's unified development ordinance. Bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to the farm include existing or new residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. For purposes of determining whether a property is being used for bona fide farm purposes, any of the following is sufficient evidence that the property is being used for bona fide farm purposes:
    1. A farm sales tax exemption certificate issued by the Department of Revenue.
    2. A copy of the property tax listing showing that the property is eligible for participation in the present-use value program pursuant to G.S. 105-277.3.
    3. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
    4. A forest management plan.
B. Pursuant to G.S. 160D-802(c), recordation of a plat shall be the only requirement for the division of a tract or parcel of land in single ownership when all of the following criteria are met:

1. The tract or parcel to be divided is not exempted under 6.3.C.2 of this Ordinance, specifically as a division into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
2. No part of the tract or parcel to be divided has been divided under this subsection in the ten (10) years prior to division.
3. The entire area of the tract or parcel to be divided is greater than five (5) acres.
4. After division, no more than three lots result from the division.
5. After division, all resultant lots comply with all of the following:
    i. All lot dimension size requirements of this Ordinance.
    ii. The use of the lots is in conformity with the applicable zoning requirements.
    iii. A permanent means of ingress and egress is recorded for each lot.

C. The LDO Administrator may waive the required development review process only in the following cases or at the discretion of the LDO Administrator when it is determined that the submission of a development plan in accordance with this Chapter would serve no useful purpose:
    1. Individual single-family residences constructed on existing lots.
    2. Accessory Structures on non-residential sites.
    3. Any enlargement of a principal building by less than twenty percent (20%) of its existing size provided such enlargement will not result in an increased building footprint, or otherwise trigger additional site or landscaping improvements.
    4. A change in principal use where such change would not result in a change in lot coverage, off-street parking, access, or other site characteristics.
    5. Administrative permits for permitted temporary uses, signs or changes of occupancy where the use of property will not change.

6.3 Types of Development Proposals *(Amended 11/10/2020, 6/15/2021)*

For the purposes of this Chapter, all development proposals are categorized as follows:

A. Minor Development Plan: A site plan or subdivision for a use permitted within the existing planning district, and meeting the following criteria:
- Minor Site Plan: Development proposal of up to two (2) individual buildings or building additions associated with single-family residential uses on existing lots, not requiring the dedication of new streets or rights-of-way.
- Minor Subdivision: Development proposal involving the subdivision of land into less than five (5) single-family residential lots, or a subdivision of land where no development of the land has yet been proposed.

B. Major Development Plan: A Plan depicting proposed site improvements and buildings, and meeting the following criteria. Any proposed use requiring a change in district designation must be submitted as a Major Development Plan.
- Major Site Plan: Development proposal involving any of the following:
    i. Multi-family uses,
    ii. Mixed-use,
    iii. Non-residential development,
    iv. Where more than two (2) individual buildings or building additions are proposed for a single-family property, or
    v. Where the development requires the dedication of new streets or rights-of-way.
- Major Subdivision: All subdivisions associated with a non-residential development proposal, or involving the subdivision and development proposal of land into five (5) or more single-family residential lots.

- Special Use Plans: Required for any use permitted only with a special use permit.

C. Subdivision Exemptions: Pursuant to G.S. 160D-802, subdivision regulations shall be applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be subject to subdivision regulations:
    1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town.
    2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved.
    3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
    4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town.
    5. The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

D. Development Agreements: The Town may consider and enter into development agreements with developers, subject to the procedures of G.S. 160D, Article 10. Development authorized by a development agreement shall comply with all applicable laws, including all ordinances, resolutions, regulations, permits, policies, and laws affecting the development of property, including laws governing permitted uses of the property, density, intensity, design, and improvements. Additionally, the following provisions shall apply to development agreements.
    1. For the purposes of this subsection, “Development” is defined as the planning for or carrying out of a building activity, the making of a material change in the use or appearance of any structure or property, or the dividing of land into two or more parcels. When appropriate to the context, “development” refers to the planning for or the act of developing or to the result of development. Reference to a specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this item.
    2. For the purposes of this section, “Public Facilities” is defined as major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.
    3. The development agreement may, by ordinance, be incorporated, in whole or in part, into the Towns’ adopted development regulation. A development agreement may be considered concurrently with a zoning map or text amendment affecting the property and development subject to the development agreement. A development agreement may be concurrently considered with and incorporated by reference with a sketch plan or preliminary plat, or a site plan or other development approval authorized by this Ordinance.
    4. Development agreements shall be of a reasonable term, specified in the agreement and may be applied to developable property of any size.
    5. Before entering into a development agreement, the Town shall conduct a legislative hearing on the proposed agreement. The notice provisions of G.S. 160D-602 applicable to zoning map amendments shall be followed for the hearing.

The notice for the hearing must specify the location of the property, and must specify a place where a copy of the proposed development agreement can be obtained.

6. A development agreement shall, at a minimum, include all of the following:
    i. A description of the property subject to the agreement and the names of its legal and equitable property owners.
    ii. The duration of the agreement. However, the parties are not precluded from entering into subsequent development agreements that may extend the original duration period.
    iii. The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
    iv. A description of public facilities that will serve the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development. In the event that the development agreement provides that the Town shall provide certain public facilities, the development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development, such as meeting defined completion percentages or other performance standards.
    v. A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to protection of environmentally sensitive property.
    vi. A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare.
    vii. A description, where appropriate, of any provisions for the preservation and restoration of historic structures.
7. A development agreement may also provide that the entire development or any phase of it be commenced or completed within a specified period of time. The development agreement shall also provide a development schedule, including commencement dates and interim completion dates at no greater than five-year intervals; provided, however, the failure to meet a commencement or completion date does not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. 160D-1008 but must be judged based upon the totality of the circumstances. The developer may request a modification in the dates as set forth in the agreement.
8. If the Town is but one party to an agreement, with another local government constituting an additional party, the agreement must specify which local government is responsible for the overall administration of the development agreement.
9. The development agreement may also cover any other matter, including defined performance standards, not inconsistent with this Ordinance. The development agreement may include mutually acceptable terms regarding provision of public facilities and other amenities and the allocation of financial responsibility for their provision, provided any impact mitigation measures offered by the developer beyond those that could be required by the Town shall be expressly enumerated within the agreement, and provided the agreement may not include a tax or impact fee not otherwise authorized by law.

10. Consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of a development agreement, as outlined in section 6.7.3 of this Ordinance.
11. Any performance guarantees under the development agreement shall comply with G.S. 160D-80.1.

6.4 General Development Proposal Review Process *(Amended 6/15/2021)*

Step 1 - Prior to submittal of a Development Proposal, applicants are strongly encouraged to schedule an informal meeting with the LDO Administrator to receive information on the procedures and policies of the Town of Elon. This meeting is non-binding, and does not confer upon the applicant any vested or development rights.

Step 2 - The applicant will submit two (2) copies of a Preliminary Development Proposal to the LDO Administrator, consisting of the following items. Applications for development approvals may be made by the landowner, a lessee or person holding an option to contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

1. Environmental Inventory
2. Schematic Design
3. Completed Application Form
4. Application Fee

Required elements for submission are listed in Section 7.4 - Development Proposal Requirements.

Step 3 - The LDO Administrator will review the required environmental inventory and the schematic design, and then arrange a meeting with the applicant to:

1. Conduct a site visit, if required.
2. Advise the applicant of all applicable Town regulations and policies and suggest development alternatives based on the Preliminary Development Proposal.

Step 4 - Following the initial review process, the applicant may submit a Detailed Development Proposal, consisting of the appropriate development review fee, change in district designation application, detailed subdivision plats, site plans or major development plan, as required for review by the Technical Review Committee (TRC), Planning Board, and Board of Aldermen if required. If a land development regulation is amended between the time a development permit application was submitted and a development approval decision is made or if a land development regulation is amended after a development approval decision has been challenged and found to be wrongfully denied or illegal, the development permit applicant may choose which adopted version of the regulation will apply to the permit and use of the building, structure, or land indicated on the development plan application, pursuant to G.S. 143-755.

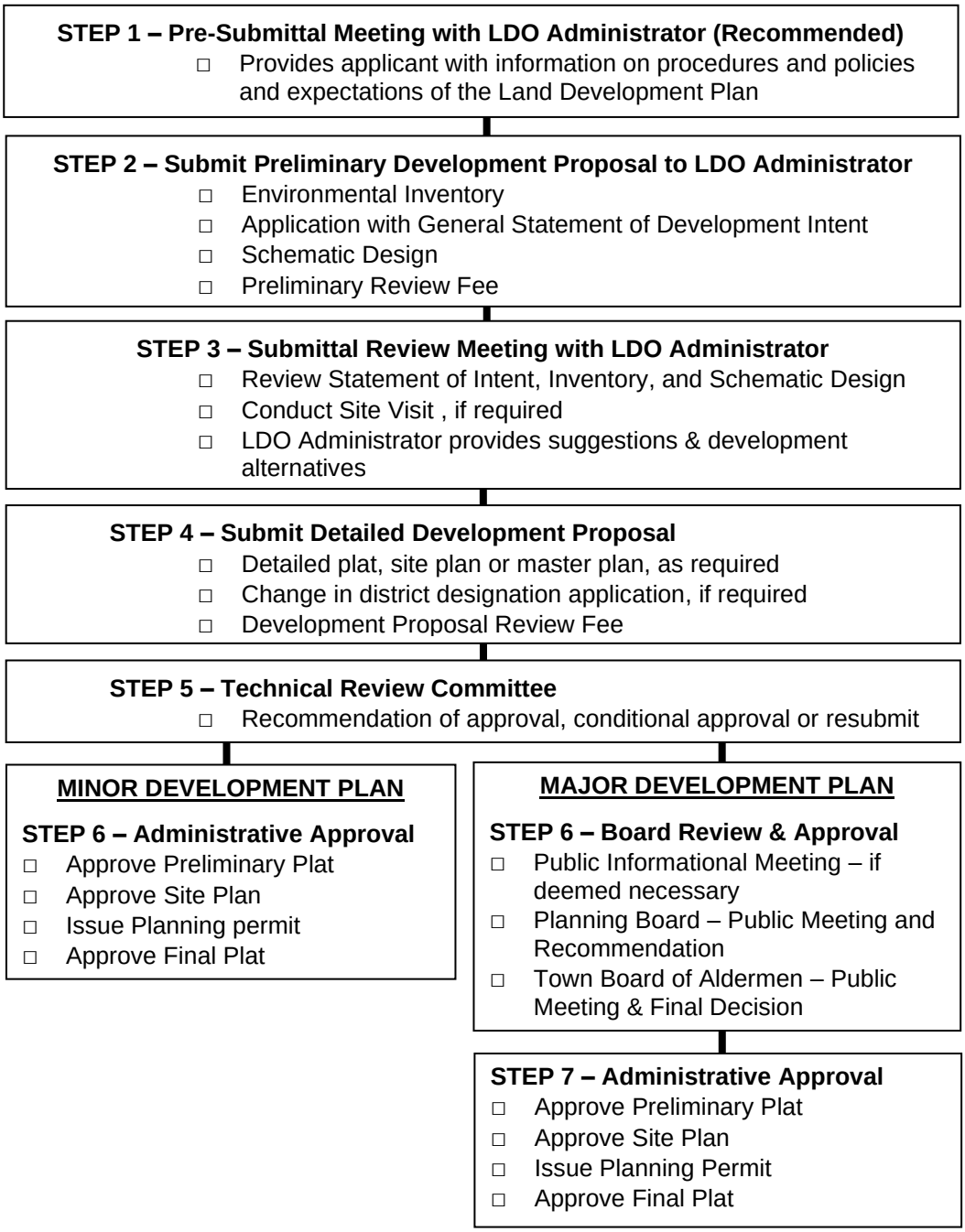
Step 5 - The LDO Administrator will forward the Detailed Development Proposal to the TRC and other relevant agencies for comment regarding conformance to applicable standards and requirements.

Step 6 - When compliance with all applicable TRC comments and Ordinance requirements has been met, the LDO Administrator will provide the necessary approvals for planning permits, preliminary and final plats and site plans or prepare the request for a public information meeting if deemed necessary before the Planning Board and Town Board of Aldermen if required.

Step 7 - If a development proposal is approved following the public meeting process, the LDO Administrator will provide the necessary approvals for planning permits, preliminary and final plats and site plans. Development approval shall be in writing and may contain a provision requiring the development to comply with all applicable State and local laws. The development approval

may be issued in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued. To the extent consistent with the scope of statutory authority, no person shall commence or proceed with development without first securing the required development approval. Unless otherwise provided by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to this Ordinance attach to and run with the land.

6.4.1 Development Proposal Review Process



6.5 Minor Development Plans

Minor Development Proposals may be approved administratively by the LDO Administrator, following a review and recommendation of the Technical Review Committee (TRC). All schematic plans, plats and site plans must be prepared in accordance with the specifications in Chapter 7.

6.5.1 Administrative Review

A. Following the initial review process, the applicant may submit a detailed Development Proposal and development review fee.

B. Upon determining that the development proposal submittal is complete, the LDO Administrator will review the documents for compliance with the Ordinance, and schedule the submittal for review by the TRC. The TRC will provide a timely recommendation for approval, conditional approval or re-submittal, based on compliance with the Ordinance, Town plans and policies. The LDO Administrator will forward all TRC comments in writing to the Applicant.

C. Revised Development Proposals shall be submitted to the LDO Administrator for further review. Once the LDO Administrator deems the Development Proposal to be in compliance with all provisions of this Ordinance, a planning permit or preliminary plat or site plan approval may be issued. Additional documents may be required prior to final approval, as determined by the LDO Administrator. Minor Final Plats will be reviewed by the LDO Administrator and approved administratively.

D. Decision of the LDO Administrator or the TRC may be appealed to the Planning Board within fifteen (15) days according to the procedures in Chapter 8, Ordinance Administration.

6.6 Major Development Plans

Following the preliminary review process and TRC review, the Planning Board will hold a Public Meeting on all Major Development Plan Proposals and provide a timely recommendation to the Town Board of Aldermen. The final decision on all Major Development Plan Proposals will be made by the Town Board of Aldermen following a public meeting. All schematic plans, plats and site plans must be prepared in accordance with the specifications in Chapter 7.

6.6.1 Administrative Review

A. Following the preliminary review, the applicant may submit detailed development proposal, development review fee and change in district designation application as required.

B. Upon determining that the development proposal submittal is complete, the LDO Administrator will review the documents for compliance with the Ordinance, and schedule the submittal for review by the TRC. The TRC will provide a timely recommendation for approval, conditional approval or re-submittal, based on compliance with the Ordinance, Town plans and policies. The LDO Administrator will forward all TRC comments in writing to the Applicant.

C. Projects which exceed twenty (20) acres or seventy-five (75) residential units in size will be scheduled for a public information meeting by the LDO Administrator prior to the Planning Board meeting to provide the applicant with an opportunity to receive feedback on the development proposal from adjoining property owners. Notice of the public information meeting will be included in the Planning Board Meeting notice.

6.6.2 Review by the Planning Board

A. Upon receipt of a favorable TRC recommendation, the LDO Administrator will schedule the Development Proposal for consideration by the Planning Board at their next available regularly scheduled meeting.
B. Notice of consideration by the Planning Board must be given according to Chapter 8, Section 8.2.2 of this Ordinance.
C. The Planning Board will have up to sixty (60) days from the date of their first available regularly scheduled meeting of consideration to recommend approval or denial of the Major Development Plan to the Town Board of Aldermen. The Planning Board may extend the review period to a certain date to request additional information of the applicant in order to aid in the review of the Major Development Plan.
D. If no recommendation is made within the sixty (60) day period, and the review period has not been extended, the Application will move forward to the Town Board of Aldermen without recommendation.

6.6.3 Review by the Town Board of Aldermen

A. Upon receipt of a recommendation from the Planning Board, the Town Board of Aldermen will schedule a public meeting.

B. Notice of consideration by the Town Board of Aldermen must be given according to Chapter 8, Section 8.2.2 of this Ordinance.

C. Following the Public Meeting, the Town Board of Aldermen will have up to sixty (60) days from the date of its first available regularly scheduled meeting of consideration to refer back to the Planning Board, approve, or deny the Major Development Plan. Alternatively, the Town Board of Aldermen may suspend the review period to request additional information of the Applicant, other agencies, or interested/affected parties in order to aid in the review of the Major Development Plan. Confirmation of final action will be provided to the Applicant in writing. If the Development Plan is denied, the reasons for denial must be provided.

D. Following a denial by the Town Board of Aldermen, the Applicant may not submit a new Development Plan for the same property within one (1) year of the date of denial by the Town Board of Aldermen unless the LDO Administrator deems the Proposal to be significantly different from the previously denied Application. Decisions of the Town Board of Aldermen are considered final.

E. Approval of a Major Development Plan will constitute final Town Board of Aldermen approval for all phases of the development, provided substantial changes are not proposed.

F. Appeals of decisions by the Town Board of Aldermen must be filed with Clerk of Superior Court within thirty (30) days.

G. If any resident or property owner in the town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the town clerk at least two business days prior to the proposed vote on such change, the town clerk shall deliver such written statement to the board of aldermen.

6.7 Special Use Permits *(Amended 6/15/2021)*

Consideration of a Special Use Permit must be conducted as a quasi-judicial public hearing process by the Board of Aldermen in accordance with subsection 8.2.2.C. The Town Board of Aldermen will give final denial or approval of all Special Use Permit applications. In making its decision for approval or denial of a Special Use Permit application, the Town Board of Aldermen may attach reasonable and appropriate conditions and safeguards which support the required findings of fact. Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made for recreational space and facilities. Conditions and safeguards imposed under this section shall not include requirements for which the Town does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the Town, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. The applicant must be given reasonable opportunity to consider and respond to any additional requirements prior to the Board of Aldermen making its final decision.

6.7.1 Approval Requirements

A. The evaluation and approval of the Special Use Permit must be based upon the sworn testimony and evidence presented at the hearing relevant to the following Findings of Fact: In addition to these procedures, the following requirements must be met:
   1. The use meets all required principles and specifications of the Land Development Ordinance and,
   2. The use, if developed according to the plan submitted and approved, will be visually and functionally compatible with the surrounding area; and,
   3. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where and how it is proposed.

B. In approving an application for a Special Use Permit, the Town Board of Aldermen may attach additional fair and reasonable ad-hoc conditions which support the required findings of fact. The applicant must be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Board of Aldermen.

C. The burden of proof of producing evidence to support these findings and to overcome any challenges that approval of the plan would be contrary to one or more of these findings rests entirely with the applicant or landowner.

6.7.2 Expiration of Special Use Permit

A valid planning permit must be issued for any activity authorized by a Special Use Permit within twenty-four (24) months of the date of approval of the Special Use Permit. If a valid planning permit has not been issued during this time period, the Town Board of Aldermen may revoke the Special Use Permit. Such revocation may only occur after a public hearing has been conducted by the Town Board of Aldermen. Notification must take place as specified in Section 8.2.2B of this Ordinance.

6.7.3 Amendments to and Modifications of Special Use Permits

A. Insignificant Deviations. Insignificant deviations from a special use permit (including approved plans associated with the permit) are permissible, and the LDO Administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
B. Minor Modifications. Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification(s). Minor modifications are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
C. Major Modifications. All other requests for changes in approved plans or permits will be processed as new applications. If such requests are required to be acted upon by the Board of Aldermen or Planning Board, new conditions may be imposed in accordance with Section 6.7 of this Ordinance, but the applicant shall retain the right to reject such additional conditions by withdrawing his or her request for an amendment and may proceed in accordance with the previously issued permit.
D. The LDO Administrator shall determine whether amendments to and modifications of a special use permit fall within the categories set forth in subsections (A), (B), and (C), above.
E. An applicant requesting a change in approved plans shall point out to the LDO Administrator, specifically and in writing, what deviation or changes are requested. The LDO Administrator shall respond in writing with a determination of whether the request constitutes an insignificant deviation, minor modification, or major modification. No changes shall be authorized except in conformity with this section.

6.8 Review and Approval of Final Documents

Following the final approval of a Development Plan, the applicant may submit Final Plats, Site Plans and Construction Documents in accordance with Section 7.4 - Final Document Requirements. The LDO Administrator and other agencies as necessary will review the Final Documents for conformance with the Ordinance. No grading or infrastructure construction work may commence until these documents are approved.

6.8.1 Review and Approval of Preliminary Plat

A. Only after receiving Preliminary Plat approval as prescribed by this Chapter and other written approvals and necessary permits from the appropriate regulating agencies may the applicant begin grading, soil erosion, and infrastructure construction.
B. Approved preliminary plats are valid for one (1) year from the date of approval. Reasonable and necessary extensions may be granted at the Board's sole discretion if a written request by the sub-divider is made to the Town Board of Aldermen forty-five (45) days prior to the anniversary of approval. Upon expiration of preliminary plat approval, a new development proposal will be required in accordance with the process described herein before development may recommence.
C. Approval of a preliminary plat constituting an individual phase of a multi-phase project does not constitute approval by the Town of any remaining phases. For approved preliminary plats

consisting of multiple phases, only the phase that is to be available for immediate development may be submitted for final plat approval.

D. All required infrastructure improvements for the preliminary plat must be in place within 1 year of preliminary plat approval. If circumstances beyond the control of the sub-divider do not allow for the completion of the required work within the 1 year period or the size of the phase is such that 1 year is insufficient time to complete all required work, then the sub-divider may file a written request for an extension with the Town Board of Aldermen no later than forty-five (45) days prior to the 1-year anniversary of preliminary plat approval by the Town as provided above. If infrastructure work is not completed within 1 year and/or no extension request is filed with the Town Board of Aldermen and approved, preliminary plat approval will expire on the anniversary and a new development proposal will be required in accordance with the process described herein before development may recommence.

E. Substantive changes proposed to an approved preliminary plat must be reviewed by the Planning Board and approved or denied by the Town Board of Aldermen.

6.8.2 Review and Approval of Final Plat *(Amended 5/14/19)*

A. The applicant may initiate the final subdivision plat approval process by submitting the Final Plat and copies of any required improvement guarantees to the LDO Administrator for review. During the review period, the LDO Administrator will confirm the accuracy of the Final Plat. If substantial errors are found, including inconsistencies with the approved preliminary plat, the plat will not be approved until the applicant has corrected such errors. A list of the required corrections will be provided to the applicant in writing. Once complete, the Final Plat may be approved by the LDO Administrator.

B. The Final Plat must constitute all portions of the approved preliminary plat. No Final Plat will be approved unless and until the applicant has installed all improvements required by this Ordinance, or until a performance guarantee has been offered and accepted by the Board of Aldermen. (See Section 6.8.3 for performance guarantee requirements).

C. Approved Final Plats must be filed by the applicant for recording with the Register of Deeds of Alamance County within thirty (30) days of the date of approval by the LDO Administrator; otherwise, such approval will be null and void. After recordation, the sub-divider must provide two (2) copies of the registered plat to the Town for distribution to various state and local government agencies and public utilities along with one (1) certified mylar copy and one (1) digital file, for permanent file in the Town Hall.

6.8.3 Performance Guarantee *(Adopted 5/14/19; Amended 6/15/21)*

A. The LDO Administrator may authorize the commencement of the intended use or occupancy of buildings or the sale of subdivision lots if the applicant provides a performance guarantee to ensure that all of the requirements covered by the guarantee will be fulfilled within a reasonable period. The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. The performance guarantee shall be payable to or in favor of the Town and shall be in an amount equal to one hundred twenty-five percent (125%) of the reasonably estimated cost of the completion of the project, as estimated by the developer and approved by the LDO Administrator. Where applicable, the costs shall be based on unit pricing. Any extension of the performance

guarantee, as approved by the LDO Administrator with authorization from the Board of Aldermen, necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained. The applicant may elect which performance guarantee he or she will use from the range of options specified in G.S.160D-804.1. The Town shall require the performance guarantee to be posted at the time the final plat is recorded or, upon approval of the Board of Aldermen, at an established time subsequent to plat recordation.

B. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the Town, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subsection shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subsection 6.8.3.A and shall include the total cost of all incomplete improvements. The form of the extension shall remain at the election of the developer.

C. The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the Town that the improvements for which the performance guarantee is being required are complete. The Town shall return letters of credit or escrowed funds upon completion of the required improvements, if the required improvements are subject to the Town's acceptance. When required improvements that are secured by a bond are completed to the specifications of the Town, or are accepted by the Town, if subject to acceptance, upon request by the developer, the Town shall timely provide written acknowledgement that the required improvements have been completed.

D. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

E. The LDO Administrator, with authorization from the Board of Aldermen, may, but is not required to, release a portion of any performance guarantee as the improvements are completed.

F. Nothing in this section shall prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, as provided in G.S.160D-807.

G. When, as provided for in this section, occupancy, use, or sale is allowed before the completion of any engineered stormwater control facilities or "best management practices" (BMPs) intended for dedication, then the performance guarantee that is posted shall warrant that any defects in such improvements or facilities that appear within one (1) year after the dedication of such facilities or improvements is accepted shall be corrected by the developer.

H. Whenever any engineered stormwater control facilities or "best management practices" (BMPs) intended for dedication are installed before occupancy, use, or sale is authorized, then the developer shall provide a performance guarantee to the permit-issuing authority to guarantee that he or she will correct all defects in such facilities or improvements that occur within one (1) year after the offer of dedication of such facilities or improvements is accepted.

I. An architect or engineer retained by the developer shall certify in writing to the Town that all facilities and improvements to be dedicated to the Town have been constructed in accordance with all Town-approved plans related to the development, and shall provide as-built drawings of all infrastructure to be dedicated. This certification and as-built drawing requirement shall

be a condition precedent to acceptance by the Town of the offer of dedication of such facilities or improvements.

J. For the purposes of this section, the term “defects” refers to any condition in publicly dedicated facilities or improvements that requires the Town to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear, the guarantee may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this ordinance.

K. The LDO Administrator may determine that the performance guarantee relates to a project which is of a nature or size sufficient to warrant review by the Board of Aldermen. In such cases, the LDO Administrator may elect to refer the offer of a performance guarantee to the Board of Aldermen for review and a decision on the acceptance of the offer.

6.9 Individual Buildings

A. Individual buildings in an approved plan (except the detached house building type), may be administratively approved by the LDO Administrator.

B. Once the LDO Administrator deems the building construction documents to be complete in information provided and in compliance with all provisions of this ordinance, a planning permit may be issued.

6.10 Re-Subdivision Procedures

For any re-platting or re-subdivision of land, the same procedures, rules, and regulations will apply as prescribed herein for an original subdivision.

6.11 Penalties for Transferring Lots in Unapproved Subdivisions

A. Any person who, being the owner or agent of the owner of any land located within the jurisdiction of the Town of Elon, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the register of deeds, will be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from this penalty.

B. The Town of Elon may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land and the court may, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance as permitted in 8.3.3 of this ordinance.

6.12 Vested Rights *(Amended 6/15/2021)*

6.12.1 Vested Right Conferred

Pursuant to G.S. 160D-108 and as used in this Ordinance, a zoning vested right is defined as the right to undertake and complete the development and use of land under the terms and conditions of a development approval issued by the Town. For the purposes of this section, a site-specific vesting plan is defined as a plan of land development submitted to the Town for purposes of obtaining approval. A site-specific vesting plan must provide, with reasonable certainty, all items from the following list, and be approved according to the process described in Chapter 6 of this

Ordinance for Major Development Plans. A variance, sketch plan, or any other document that fails to describe with reasonable certainty the type and intensity of use for a specific lot or lots of property shall not constitute a site-specific vesting plan.

1. The boundaries of the development;
2. Topographic and natural features affecting the site;
3. The approximate location of proposed buildings, structures, and other improvements;
4. The approximate dimensions, including height, of proposed buildings and other structures;
5. The approximate location of all existing and proposed infrastructure on the site, including water, sewer, streets, and pedestrian ways;
6. The type or types of proposed land uses; and
7. The density or intensity of development.

The development approvals that constitute a site-specific vesting plan shall be limited to the following, providing that such approvals are given in accordance with the provisions of this Ordinance.

1. Preliminary Plats,
2. Final Plats,
3. Major development plans, and
4. Special use permits.

6.12.2 Obtaining a Vested Right

A. A developer may obtain a vested right to commence a project at a future date as provided by G.S. 160D-108, following an approval of a development application in accordance with this Ordinance and the applicable requirements in the North Carolina General Statutes. A common law vested right is established only when the following can be demonstrated by the landowner:
    1. There is an affirmative governmental act by the Town in the form of an approval of a permit or development approval under this Ordinance; and
    2. The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and
    3. It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.

B. A landowner seeking to claim a vested right subsequent to approval of one of the plan types listed in 6.12.1, above, shall submit information to substantiate their claim of vesting status along with an application for a determination as defined in this Ordinance.

6.12.3 Effect of a Vested Right

A. Development approvals that have an established vested right in accordance with G.S. 160D-108 and the provisions of this Ordinance shall preclude any action by the Town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property authorized by the development approval, except where a change in State or federal law occurs and has a retroactive effect on the development or use.

B. Except when subject to subsection “C” below, amendments to this Ordinance shall not be applicable to any of the following development approvals after they are vested:
    1. Building or uses of land for which a development permit application has been submitted and approved in accordance with this Ordinance and G.S. 143-755;
    2. Subdivisions of land for which a subdivision application has been submitted and approved in accordance with this Ordinance and G.S. 143-755;

3. A site-specific vesting plan approved in accordance with this Ordinance and G.S. 160D-108.1;
4. A multi-phase development approved in accordance with this Ordinance and G.S. 160D-108; or
5. A vested right established by the terms of an approved development agreement in accordance with this Ordinance and G.S. Chapter 160D, Article 10.

C. Amendments to this Ordinance shall apply to vested development approvals if:
    1. A change to State or federal law occurs and has a retroactive effect on the development or use;
    2. There is written consent to be subject to the amendment by the landowner;
    3. The development approval expires; or
    4. The development is not undertaken or completed in accordance with the approval.
D. The vested rights granted by this Ordinance shall run with the land. Nothing in this Ordinance shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred.

6.12.4 Duration

Vested rights shall commence upon approval of a development application and shall continue through the maximum duration periods established in this Ordinance. In no instance shall vesting status extend beyond the maximum duration for the type of development application approval identified in this section.

A. The duration of a development agreement shall be vested in accordance with the vesting term identified in the development agreement.
B. The issuance of a building permit establishes a vested right to development for a period of six (6) months, as long as the building permit complies with the terms and conditions of approval of that building permit.
C. Except for building permits, site-specific vesting plans, development agreements, and multi-phase developments, any development approval under this Ordinance shall be vested from changes in this Ordinance for a period of one year from the date of approval, provided the development subject to the approval complies with all applicable terms and conditions.
D. Site-specific Vesting Plans
    1. Development approvals identified by this Ordinance as site-specific vesting plans shall be granted a vested right to develop for a maximum period of two (2) years from the date of the approval, provided the development subject to the approval complies with all applicable terms and conditions.
    2. The two (2) year vesting duration of a site-specific vesting plan may be extended up to five (5) years from the date of the approval.
    3. Site-specific vesting plans meeting the definition of a multi-phase development shall be vested in accordance with Subsection 10, below.
    4. A site-specific vesting plan is deemed approved upon the effective date of the Town's decision approving the plan or another date determined by the Board of Aldermen upon approval.
    5. Approval of a site-specific development plan with the condition that a variance or modification be obtained will not confer a vested right unless and until the necessary variance or modification is obtained.
    6. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the Town as follows: any substantial modification must be reviewed and approved in the same manner as the original approval;

insignificant deviations may be approved by staff and minor modifications may be approved by the permit-issuing authority, pursuant to subsection 6.7.3 of this Ordinance.

E. Multi-Phase Developments
   1. A multi-phase development plan that occupies at least twenty-five (25) acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval, and includes more than one phase, shall be considered as a multi-phase development plan that is granted a vested right to develop for a period of seven (7) years from the date of approval of the first site plan associated with the development.
   2. Vesting shall commence upon approval of the site plan for the first phase of the development.
   3. The vested right shall remain in effect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

6.12.5 Planning Permit Required

A planning permit is required before commencing work on any project in which a vested right exists. The LDO Administrator will issue the planning permit for a project in which the vested right has been conferred according to the provisions of this Ordinance.

6.12.6 Action by Board of Aldermen

Upon receipt of a properly prepared site specific development plan submittal, the LDO Administrator will bring the plan to the Planning Board for its recommendations and then to the Board of Aldermen for its consideration.

A. Public Hearing - The Board of Aldermen will conduct a quasi-judicial public hearing with notice given as provided for in Section 8.2.2.B. of this ordinance.

B. Considerations - In considering an application for a development approval with vested rights, the Board of Aldermen will give due regard to whether issuance of the approval would serve the purpose and intent of this ordinance, secure public safety and welfare and do substantial justice. If the Board of Aldermen should find, after public hearing, that the proposed approval should not be granted, the request will be denied.

C. Findings. In granting a development approval with vested rights the Board of Aldermen will make the following affirmative findings:
   1. The requested use is permitted in the district in which the property is located and complies with all the requirements of this and other applicable ordinances;
   2. The requested approval is either essential or desirable for the public convenience or welfare;
   3. The requested approval will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety, or welfare of the community;
   4. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

D. Additional Conditions - In granting a development approval with vested rights, the Board of Aldermen may impose such additional restrictions and requirements as it deems necessary in order to protect the public health, safety, and welfare, and that the purpose and intent of this ordinance are served. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. A

landowner shall not be required to waive the vested rights as a condition of developmental approval.

E. Acceptance by Applicant - If all requirements and conditions are accepted by the applicant, the Board of Aldermen will authorize the approval; otherwise the request will be denied. Any permit so authorized will remain vested for two years from the date of the action granting the permit.

6.12.7 Enforcement

A. Any violation of a term or condition involved in the granting of a development approval with vested rights will be treated the same as a violation of this ordinance and will be subject to the same remedies and penalties as any such violation. In addition, the Board of Aldermen may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.

B. In no instance shall the vesting status of a development approval continue after the development approval expires or if the development approval is revoked for failure to comply with the terms of the approval or of this Ordinance.

C. In no instance shall the vesting status of a development approval continue after it is determined that the development approval was based upon intentional inaccurate information or material misrepresentations.

D. In no instance shall vested rights continue if the Board of Aldermen finds, after a duly noticed public hearing, that natural or man-made hazards, resulting from the development, would result in a serious threat to public health, safety, or welfare if the development were to be continued or completed.

E. In the event of commenced but uncompleted work associated with a development approval, vested rights shall expire within twenty-four (24) months of the discontinuance of work. This 24-month period shall not include the time associated with work stoppage resulting from an appeal or litigation.

6.12.8 Other Ordinances Apply

A. The establishment of a vested right does not preclude the application of overlay zoning district requirements or other development regulations that do not affect the type of land use, its density, or intensity.

B. A vested right shall not preclude the application of changes to building, fire, mechanical, electrical and plumbing codes made after the development approval where a vested right was established.

C. The establishment of a vested right does not preclude, change, or impair the authority of the Town to adopt and enforce development regulations governing nonconforming situations or uses.

D. Exceptions. A vested right, once established as provided for in this Ordinance, precludes any zoning action by the Town which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in an approved vesting plan, except under one or more of the following conditions:

   1. With the written consent of the affected landowner.
   2. Upon findings, by ordinance after notice and an evidentiary hearing, 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 vesting plan.
   3. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all

fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the Town, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.

4. Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the vesting plan or the phased development plan.
5. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the vesting plan or the phased development plan, in which case the Town may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

6.12.9 Changes or Amendments

Changes or amendments to any development approval with vested rights made after public hearing and decision shall be considered modifications to the approved development proposal and shall follow the process outlined for approval of amendments and modifications in section 6.7.3 of this Ordinance. Nothing herein will exempt plans related to the permit 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 approvals. If a land development regulation is amended between the time a development permit application was submitted and a development approval decision is made or if a land development regulation is amended after a development approval decision has been challenged and found to be wrongfully denied or illegal, the development permit applicant may choose which adopted version of the regulation will apply to the permit and use of the building, structure, or land indicated on the development plan application, pursuant to G.S. 143-755.

6.12.10 Status at Expiration of Term

A right which has been vested will terminate at the end of the two-year vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160D-403 will apply except that a building permit will not expire or be revoked because of the running of time while a vested right under this Section is outstanding. Any development constructed pursuant to a planning permit with vested rights for which the vested term has expired and which is not in conformance with all the terms of the ordinance because of changes made in the provisions of this ordinance, including the Land Development Ordinance map, after the issuance of the permit will be subject to the provisions of this ordinance relating to non-conformities the same as any other nonconformity.

6.12.11 Annexation Declaration

Any landowner who signs an annexation petition to the Town pursuant to G.S. 160A-31 or G.S. 160A-58.1 will, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under G.S. 160D-108. If the statement declares that such rights have been established, the Town may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established by law will be binding on the landowner and any such vested right will be terminated.

CHAPTER 7 – DEVELOPMENT PROPOSAL REQUIREMENTS

7.1 General Requirements for All Development Proposals

All development proposals must:

A. Be designed to facilitate the most advantageous development of the entire neighboring area by protecting and enhancing the stability, character, and environment of the area.
B. Be consistent with all adopted public plans, including all specifications and requirements of the Land Development Ordinance.
C. Provide open space as defined and required in this Ordinance. Where possible, the natural terrain, drainage, and vegetation of a site must be preserved with superior examples contained in parkways and greenways, including the protection and preservation of stands of significant trees, vistas from high ground or natural water features or courses.
D. Have streets that extend existing streets into and through the development.
E. Not have reserve strips adjoining street rights-of-way for the purpose of preventing access. Reverse frontage and flag lots are disallowed except with special approval due to extreme topographic circumstances or site conditions.
F. Have lots and associated new construction front onto the existing street, whenever possible.
G. Incorporate bike paths and pedestrian paths, which are designed to connect with similar planned or existing local or regional facilities as shown on official plans and maps of the Town of Elon, neighboring municipalities, or Alamance County. Streets, pedestrian paths and bike paths will contribute to a system of fully connected routes to all destinations. Street designs must encourage pedestrian and bicycle use by being spatially defined by buildings, trees, and lighting, and by discouraging high-speed traffic.
H. Be designed to accommodate and/or support existing and potential future public transportation routes and facilities.

7.2 Conformance with the Land Development Plan and Other Adopted Plans *(Amended 6/15/2021)*

A. Open Space
   1. Where the designation of certain environmentally significant or sensitive features is shown on the Town of Elon Land Development Plan, all new residential development involving the subdivision of land under this Chapter must reserve those features as dedicated open space. The reservation of designated open space areas will count towards the open space dedication requirements set forth in this Ordinance.
B. Streets and Thoroughfares
   1. Where a proposed Development Plan includes any part of a Town street or thoroughfare which has been designated as such in the Elon Land Development Plan or on the official Transportation or Thoroughfare Plan adopted by the Town, Metropolitan Planning Organization, or North Carolina Department of Transportation, a right-of-way must be platted in the location shown on the Plan at the width specified in this Ordinance.
   2. As a condition of approval, the Applicant is required to construct the proposed street or thoroughfare within the borders of the proposed development in accordance with adopted NCDOT standards. In instances where such a street is scheduled for construction by the Town, Metropolitan Planning Organization or the North Carolina Department of Transportation, the Applicant may make a payment in lieu of construction equal to his pro-

rata share of the costs of construction. Major thoroughfare and highway construction are exempted from this requirement.

C. Reservation of Sites for Public Buildings and Uses

1. When the County Board of Commissioners, County Board of Education or Elon Board of Alderman have determined the specific location and size of any desired school site or public building, this site shall be reserved if the site appears in the Land Development Plan or any comprehensive plan over which other local governments have jurisdiction.
2. The LDO Administrator will immediately notify the appropriate authority if all or part of the reserved location is included in the proposed subdivision.
3. The responsible authority must promptly decide whether it still wishes the site to be reserved. The responsible authority will then have eighteen (18) months beginning upon the date of final plat approval within which to acquire the site by purchase or by condemnation as provided in G.S. 160D-804. If the responsible authority has not purchased or begun condemnation proceedings on site within eighteen (18) months, the developer may treat the land as freed from reservation.
4. If the total development size exceeds two hundred (200) acres or five hundred (500) residential units, the developer must reserve a minimum of 18 acres of suitably located usable land for the location of public buildings or school sites. Sites reserved for these public uses may count one-half (½) of their total area towards the required open space dedication.

7.3 – Summary Table of Required Development Proposal Elements

Element	Environmental Inventory	Schematic Design	Site Plan	Preliminary Plat	Final Plat	Major Dev. Plan	Special Use
General Information							
Title block containing: - project name - type of plan - name address and phone number of applicant and plan preparer - date prepared/revised	✓	✓	✓	✓	✓	✓	✓
Annotated bar scale, no less than 1" = 100'	✓	✓	✓	✓	✓	✓	✓
Vicinity Map, at 1"= 2,000'	✓	✓	✓	✓	✓	✓	✓
North arrow	✓	✓	✓	✓	✓	✓	✓
Legend of symbols	✓	✓	✓	✓	✓	✓	✓
Site data table containing: - tax parcel number(s) - size of total tract	✓	✓	✓	✓	✓	✓	✓
Environmental Data							
Water courses, ponds, lakes, springs and wetlands	✓	✓	✓	✓		✓	✓
Location and elevation of 100 year floodplain, distance to floodway	✓	✓	✓	✓	✓	✓	✓
Location and dimension of stream buffers required by Section 3.14 – SB Overlay	✓	✓	✓	✓	✓	✓	✓
Existing and proposed topography, at 5' intervals extending 100' beyond the project boundaries	✓	✓	✓	✓		✓	✓
Soil types	✓	✓				✓	
Location and description of significant vegetation	✓						
Location and description of other significant natural features	✓						
Locations of known threatened or endangered plant or animal species	✓						
Location of known solid waste disposal sites	✓	✓	✓	✓	✓	✓	✓
Site Information							
Boundaries accurately represented, showing all distances and intersecting boundaries	✓	✓	✓	✓	✓	✓	✓
Location and description of all new and existing monuments, markers and control points				✓	✓	✓	✓
Existing & proposed planning districts on property w/in 100 ft	✓	✓	✓	✓	✓	✓	

Element	Environmental Inventory	Schematic Design	Site Plan	Preliminary Plat	Final Plat	Major Dev. Plan	Special Use
Location and description of significant cultural or historical features	✓					✓	
Adjacent property owners names and existing uses			✓	✓	✓	✓	✓
Location and right-of-way of existing roads, railroad lines, and utility easements	✓	✓	✓	✓	✓	✓	✓
Dimensions and use of existing buildings	✓	✓	✓	✓		✓	✓
Development Information							
Development data table containing: - current use of tract - proposed use of tract - total proposed lots - total residential units - total non-residential units - gross density/acre - acreage in residential uses - acreage in parks/open space - acreage in non-residential uses - total parking spaces provided - total percentage of impervious surfaces		✓	✓	✓	✓	✓	✓
Location and dimension of all proposed property lines and new lot areas		✓	✓	✓	✓	✓	✓
Location, dimension and use of all proposed buildings,		✓	✓			✓	✓
Location and dimension of all drives, parking spaces, stacking spaces and loading areas		✓	✓			✓	✓
Location and accessible route to handicap parking			✓			✓	✓
Location and right-of-way of proposed roads and alleys with proposed street names		✓	✓	✓	✓	✓	✓
Location and dimension of proposed drainage, utility, public access and conservation easements		✓	✓	✓	✓	✓	✓
Location and dimension of proposed open space, recreation areas and amenities		✓	✓	✓	✓	✓	✓
Location and dimension of proposed trails, greenways or bicycle facilities				✓		✓	✓

Element	Environmental Inventory	Schematic Design	Site Plan	Preliminary Plat	Final Plat	Major Dev. Plan	Special Use
Location of proposed water, sanitary sewer and storm sewer lines and infrastructure			✓	✓	✓	✓	✓
General location of proposed landscaping, including existing landscape elements to be preserved		✓	✓	✓		✓	✓
Location and design of proposed exterior lighting			✓			✓	✓
List of additional requirements for use			✓	✓	✓	✓	✓
Detail Information							
Typical cross-section of proposed streets, including curb, gutter and sidewalks			✓			✓	✓
Front elevations of all non-residential building façades, including descriptions of exterior materials			✓			✓	✓
Detailed public utility plans			✓			✓	✓
Detailed location, species, size and quantity of proposed landscaping			✓			✓	✓
Typical parking space design, handicap accessible space design and signage			✓			✓	✓
Location and design of proposed signs			✓			✓	✓
Certifications							
Surveyor or Engineer Seal, with source of boundary information		✓	✓	✓	✓	✓	✓
Public Works certification of water and sewer availability			✓	✓	✓	✓	
Soil, erosion control and sedimentation approval			✓	✓		✓	✓
County Health Department approval for individual well and septic systems			✓	✓	✓		✓
Certificate of improvements					✓		
Certificate of approval			✓	✓	✓	✓	✓
Certificate of survey and accuracy				✓	✓		
Certificate of ownership and dedication			✓		✓	✓	✓
Flood elevation certification			✓		✓	✓	✓
Review officer certification					✓		
NCDOT certification					✓		

7.4 Development Proposal Submittal Requirements

7.4.1 Schematic Design Documents

All required Schematic Design documents must be submitted in the following sizes and quantities for the various purposes specified:

A. For initial review - 3 (3) copies at a preferred size of 24" X 36" (minimum size of 18" X 24").
B. For consideration by the Planning Board - Eleven (11) copies at a preferred size of 24" X 36" (minimum size of 18" X 24")
C. For consideration by the Town Board of Aldermen – Seven (7) copies at a preferred size of 24" X 36" (minimum size of 18" X 24"), and one (1) reduced black and white copy at a size of 11" X 17".

7.4.2 Preliminary Plat Documents

Preliminary Plats must be submitted in the following sizes and quantities:

A. Five (5) copies at a preferred size of 24" X 36" (minimum size of 18" X 24")
B. One (1) reduced black and white copy at a size of 11" X 17".

7.4.3 Final Plat Documents

Final Plats must be submitted in the following sizes and quantities:

A. Three (3) copies at a preferred size of 24" X 36" (minimum size of 18" X 24")
B. One (1) mylar original at a preferred size of 24" X 36" (minimum size of 18" X 24")
C. One (1) reduced black and white copy at a size of 11" X 17".

7.4.4 Final Plat Documents – Certifications

The following certifications must appear as denoted in Section 7.3 – Summary Table of Required Development Proposal Elements.

A. Certificate of Survey and Accuracy

Certificate of Survey and Accuracy. I,_____, certify that this plat or map was drawn under my supervision from (an actual survey made under my supervision)(deed description recorded in Book____, Page____, etc)(other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book____, Page____; that the ratio of precision as calculated is 1:_____; that this plat or map was prepared in accordance with G.S. 47- 30 as amended. Witness my original signature, registration number and seal this_____ day of_____, A.D., 20__.

_____ _____
Surveyor License or Registration Number
Official Stamp or Seal

B. Certificate of Approval for Recording

Certificate of Approval for Recording. I hereby certify that the plat shown hereon has been found to comply with the Land Development Ordinance of Elon, North Carolina, and that this plat has been approved by the Town of Elon for recording in the Office of the Register of Deeds of Alamance County.

_____ _____

Date LDO Administrator

C. Certificate of Purpose of Plat

Certificate of Purpose of Plat

a. This survey creates a subdivision of land within the areas of a county or municipality that has an ordinance that regulates parcels of land;
b. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
c. Any one of the following:
    1. This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street;
    2. This survey is of an existing building, structure or natural feature (e.g. watercourse);
    3. This survey is a control survey.
d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

_____ _____

Date Surveyor

D. Certificate of Ownership and Dedication

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 Aldermen of the Town of Elon and this plat and allotment to be (my) (our) free act and deed and hereby dedicate to public use as streets and easements, forever all areas so shown or indicated on said plat.

_____ _____

Date Signed

_____

Attest

E. Review Officer Certification

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

_____ _____
Date Review Officer

F. Certificate of Approval of the Design and Installation of Required Improvements

Certificate of Approval of the Design and Installation of Required Improvements. I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to Town Specifications and Standards or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Elon have been received.

_____ _____
Date Town Engineer

G. Certification of Approval of Water Supply and Sewage Disposal Systems

The following Certificate must be placed on the final plat when the proposed subdivision is not to be connected to publicly-owned and operated water supply and sewage disposal systems.

Certification of Approval of Water Supply and Sewage Disposal Systems. I hereby certify that the water supply and sewage systems installed in _____ Subdivision meet necessary public health requirements and are hereby approved.

_____ _____

Date Alamance County Health Officer or Authorized Representative

H. North Carolina Department of Transportation Certifications

Certificate of Approval by Division of Highways of the North Carolina Department of Transportation

Department of Transportation
Division of Highways
Proposed Subdivision Road:
Construction Standards Certificate

APPROVED:_____ DATE:_____

District Engineer

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 NCGS 136-102.6, subsection (g).

_____ _____

Date LDO Administrator

7.5 Requirements for the Placement of Monuments

Unless otherwise specified by this Ordinance, the Manual of Practice for Land Surveying as adopted by the NC State Board of Registration for Professional Engineers and Land Surveyors under provisions of NCGS 89-C will apply when conducting surveys of subdivision.

For the purpose of identification and protection of survey corners and monuments, each corner or monument within the subdivision must have a disk attached to a ferrous rod or placed in concrete that must be stamped to identify that point as a property corner and or control point.
All monuments must be set flush with or just below ground level and must be made of durable materials. Ferrous materials must be present in sufficient mass either in the monument or in close proximity to the monument to allow for detection by electronic metal detection devices. Alamance County Engineering and Building Standards Department will inspect all monuments prior to final approval of the subdivision.

CHAPTER 8 – ADMINISTRATION AND ENFORCEMENT

8.1 Administration *(Amended 6/15/2021)*

8.1.1 Land Development Ordinance (LDO) Administrator- Established

The provisions of the Town of Elon Land Development Ordinance will be administered by the Town of Elon Land Development Ordinance (LDO) Administrator or designees.

8.1.2 Land Development Ordinance Administrator - General Duties

A. Establish and publish application procedures for permits, appeals, and actions pursuant to the Land Development Ordinance and forms implementing the same.
B. Issue permits and approvals pursuant to the Land Development 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 the Land Development Ordinance in matters where the text does not clearly provide guidance.
E. Maintain all records pertaining to the provisions of the Land Development Ordinance make said records open for public inspection, including current and previously adopted zoning maps and any State or federal agency maps incorporated by reference into the zoning map. Such maps may be in paper or a digital format.
F. Periodically inspect properties and activities for which permits have been issued to determine whether the use is being conducted in accordance with the provisions of the Land Development Ordinance.
G. Cause to be investigated violations of the Land Development Ordinance and issue notice of corrective action(s) when required, and use the herein prescribed remedies to gain compliance.
H. Enforce the provisions of this Ordinance.
I. Be authorized to gather evidence in support of said activities.
J. Make determinations regarding the development regulations contained within this Ordinance. Such determinations shall be provided in writing to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail, and delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.
K. Perform other duties as assigned by the Governing Body.

8.1.3 Conflict of Interest Responsibilities of Administrative Staff

A. No staff member shall make a final decision or an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest as described herein, the decision shall be assigned to the supervisor of the staff person or other staff person as may be designated by this Ordinance.
B. No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Ordinance unless the staff member is the owner of the land or building involved. No staff member or other individual or

an employee of a company contracting with the Town to provide staff support shall engage in any work that is inconsistent with is or her duties or with the interest of the Town, as determined by the Town.

C. For the purposes of this section, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

8.2 Boards and Committees

8.2.1 Boards and Committees Established

The following Boards and Committees are hereby established or authorized in fulfillment of the goals and responsibilities of the Land Development Ordinance:

A. Technical Review Committee
B. Planning Board
C. Board of Adjustment

8.2.2 Procedures for Boards and Committees *(Amended 6/15/2021)*

A. Before adopting, amending, or repealing any ordinance or development regulation, the Board of Aldermen shall hold a legislative hearing. An affirmative vote equal to a majority of all the members of the Board of Aldermen not excused from voting on the question in issue, including the mayor’s vote in case of an equal division, shall be required to adopt an ordinance, take any action having the effect of an ordinance, authorize or commit the expenditure of public funds, or make, ratify, or authorize any contract on behalf of the Town. In addition, no ordinance nor any action having the effect of an ordinance, except an ordinance on which a public hearing must be held pursuant to G.S. 160D-601 before the ordinance may be adopted, may be finally adopted on the date on which it is introduced except by an affirmative vote equal to or greater than two thirds of all the actual membership of the Board of Aldermen, excluding vacant seats and not including the mayor unless the mayor has the right to vote on all questions before the Board. For the purposes of this section, an ordinance shall be deemed to have been introduced on the date the subject matter is first voted on by the Board. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Development regulations shall be adopted by ordinance.
B. Rules of Procedure: All meetings and hearings will be open to the public and will be conducted in accordance with the procedure set forth in this Ordinance and rules of procedure adopted by the Planning Board, Board of Adjustment, Technical Review Committee, and Town Board of Aldermen. Such rules of procedures may be amended from time to time by the respective board or committee. Rules of procedure adopted by any board or committee will be kept on file at the offices of the Town Clerk and will be made available to the public at any meeting or hearing, and shall be posted on the Town’s website.
C. Quasi-judicial Procedure
    1. Process Required: Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, variances, or any other quasi-judicial decision.
    2. Notice of Hearing: Notice of evidentiary hearings conducted pursuant to this Ordinance shall be mailed to the person or entity whose appeal, application, or request is the subject

of the hearing; to the owner of property that is the subject of the hearing; to the owner of property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by this Ordinance. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least ten (10) days, but not more than twenty-five (25) days, prior to the date of the hearing. Within that same time period, the Town shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

3. Administrative Materials: The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to the inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.
4. Presentation of Evidence: The applicant, the Town, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.
5. Appearance of Official New Issues: The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the Town, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.
6. Oaths: The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor, in accordance with G.S. 160D-406(f).
7. Subpoenas: The board making a quasi-judicial decision under this Ordinance through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the Town, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a

subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

8. Appeals in Nature of Certiorari: When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be provided in G.S. 160D-1402(j).
9. Voting: The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.
10. Decisions: The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make an order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.
11. Judicial Review: Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d).

D. Public Notice for Legislative Hearings: See Chapter 8. Subsection 8.4.G.
E. Record of Meetings: Each Board or Committee will keep minutes of its proceedings, showing the votes of each member upon every question, or if absent or failing to vote, indications as such. All such records and minutes will be kept on file at Elon Town Hall and will be made available to the public.
F. Election and Term of Officers: Unless otherwise provided by the Land Development Ordinance, a Chair and Vice-Chair of each Board or Committee will be elected by its members to serve a one (1) year term. All members appointed to boards shall, before entering their duties, qualify by taking an oath of office. The Secretary is not required to be a member of the Board or Committee.
G. Attendance: Any member of a Board or Committee who attends less than 75% of the regular and special meetings held by the board during any one year period may be removed from the Board or Committee.
H. Terms: Unless stipulated elsewhere, all Board or Committee appointments will be staggered four (4) year terms. Alternates will be appointed in the same manner as regular members.
I. Vacancies: Vacancies created by resignation or other causes may be filled by appointment of an alternate member or a new member, as determined by the Town Board of Aldermen. Members filling such vacancies will serve the remainder of the unexpired term.

J. Secretary: The LDO Administrator will serve as Secretary to all Boards and Committees established herein unless otherwise stated.

K. Conflicts of Interest

1. No member of the governing board or any appointed board shall vote on any legislative or advisory decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. No member of the governing board or any appointed board shall vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close, familial, business, or other associational relationship.
2. No member of any board exercising quasi-judicial functions shall participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.
3. Should an objection be raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.
4. For the purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

8.2.3 Technical Review Committee *(Amended 6/15/2021)*

8.2.3.1 Technical Review Committee - Authority and Membership

A. The Technical Review Committee (TRC), is hereby created pursuant to G.S. 160D-306, consisting of the following staff members, their designee or alternate:
    1. LDO Administrator
    2. Town Manager
    3. Town Public Works Director
    4. Police Chief
    5. Fire Chief
    6. Other agencies as appropriate
B. The LDO Administrator will serve as TRC Chair. The Committee shall appoint a secretary.

8.2.3.2 Technical Review Committee – Powers and Responsibilities

A. To provide for continuing, coordinated and comprehensive review of certain technical aspects of development proposals
B. To make recommendations to the Planning Board on new or altered development plans as specified in Chapter 6 of the Land Development Ordinance
C. To perform any other related duties that the Board of Aldermen may direct
D. To exercise any other power and authority provided to it by the Board of Aldermen, the Land Development Ordinance or state law.

8.2.4 Planning Board *(Amended 6/15/2021)*

8.2.4.1 Planning Board - Authority and Membership

A. The Planning Board is hereby created pursuant to G.S. 160D-301, with membership to be organized as follows:
    1. Six (6) members and one (1) alternate consisting of citizens and residents of the Town of Elon will be appointed by the Board of Aldermen.
    2. Member(s) representative of the extraterritorial jurisdiction proportional to the population for residents of such jurisdiction, with the number of representatives being no fewer than one (1) regular member and one (1) alternate member. The population estimates for this calculation shall be updated no less frequently than after each decennial census. Planning Board members representing the extraterritorial jurisdiction will be appointed by the Alamance County Board of Commissioners.
B. Members and alternates will receive no compensation and will incur no obligation to the Town.

8.2.4.2 Planning Board – Powers and Responsibilities

A. To consider and make recommendations to the Board of Aldermen concerning proposed Land Development Ordinance amendments, including text amendments and map amendments according to the procedures prescribed in Section 6.4 of this Ordinance.
B. To consider and make recommendations to the Board of Aldermen concerning proposed subdivisions and site plans and master plans.
C. To make interpretations of any portion of the Land Development Ordinance.
D. To consider and make recommendations to the Board of Aldermen on all issues and petitions related to the Land Development Plan or other land use plans, studies or other matters as directed by the Board of Aldermen.
E. To review the Land Development Ordinance from time to time and make recommendations for changes.
F. To exercise any other power and authority provided to it by the Board of Aldermen, the Land Development Ordinance or state law.

8.2.5 Board of Adjustment *(Amended 6/15/2021)*

8.2.5.1 Board of Adjustment - Authority and Membership

A. The Board of Adjustment is hereby created pursuant to G.S. 160D-302, with membership to be organized as follows:
    1. Six (6) members and one (1) alternate consisting of citizens and residents of the Town of Elon will be appointed by the Board of Aldermen.
    2. Member(s) representative of the extraterritorial jurisdiction proportional to the population for residents of such jurisdiction, with the number of representatives being no fewer than one (1) regular member and one (1) alternate member. The population estimates for this calculation shall be updated no less frequently than after each decennial census. Board of Adjustment members representing the extraterritorial jurisdiction will be appointed by the Alamance County Board of Commissioners.
B. Members and alternates will receive no compensation and incur no obligation to the Town.
C. The Planning Board will serve as the Board of Adjustment, at the discretion of the Town Board of Aldermen.

8.2.5.2 Board of Adjustment – Powers and Responsibilities

A. To hear and decide appeals from any order, decision, determination, or interpretation made by the LDO Administrator pursuant to or regarding this ordinance.

B. To hear and decide variances from the requirements of this Ordinance in harmony with the general purpose and intent and where special circumstances unique to the property would make strict and literal interpretation and enforcement of the provisions of this ordinance. To interpret any portion of this ordinance, including disputed planning district boundaries.
C. To hear and decide all other matters referred to it as required by this ordinance.

8.2.5.3 Board of Adjustment – Voting

A. A four-fifths affirmative vote of the seated Board members is required to:
   1. 1. Grant a variance from this ordinance.
B. A simple majority vote of Board members is required to:
   2. Affirm reverse or modify any order, requirement, decision, determination or interpretation of the LDO Administrator.
   3. Decide in favor of the applicant regarding any matter upon which the Board may rule.
B. The Board chair will vote as any other Board member.
C. The Board may, at its discretion, delay a decision to a future date and time certain.
D. All decisions of the Board of Adjustment will be in writing and signed by the chair, filed with the town clerk and the LDO Administrator, and delivered to applicant, landowner, and other parties submitting written request for decision.

8.2.6 Town Board of Aldermen *(Amended 6/15/2021)*

8.2.6.1 Town Board of Aldermen – Powers and Responsibilities

A. The Town Board of Aldermen will have the following powers and responsibilities regarding the Land Development Ordinance:
   1. To consider proposed Land Development Ordinance amendments, including text amendments, map amendments and special use permits according to the procedures prescribed in Chapter 6 of this Ordinance.
   2. To consider proposed subdivisions and site plans and master plans.
   3. To make interpretations of any portion of the Land Development Ordinance.
   4. To hold quasi-judicial public hearings and make relevant findings of fact concerning Special Use Permit and Planning Permit with Vested Rights applications.
   5. To make a final decision on all Major Development Plan Proposals, Special Use Permit, and Planning Permit with Vested Rights applications.
   6. To consider all issues and petitions related to the Land Development Plan or other land use plans or studies.

8.3 Enforcement

8.3.1 Planning Permit

A. No building, sign or structure, except as otherwise provided for in this ordinance, will be erected, moved, demolished, extended, enlarged or structurally altered, nor will a use be conducted or changed upon a lot, nor will any excavation or filling of any lot for the construction of any building be commenced, nor will any lot be divided for the purpose of development until the LDO Administrator has issued a planning permit for such.
B. A planning permit application will be accompanied by the appropriate fee established by the fee schedule as approved by the Town Board of Aldermen.

8.3.1.1 Issuance of Planning Permit

No planning permit will be issued except in conformity with the provisions of this ordinance, except after a written order from the Board of Adjustment.

8.3.1.2 Conditions for Approval

Planning permits issued on the basis of dimensional plans approved by the LDO Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differs from the authorized plans will be deemed a violation of this ordinance and will be punishable as indicated in this section.

8.3.1.3 Expiration of Planning Permit

Any planning permit issued in accordance with this ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

8.3.1.4 Records

The LDO Administrator will maintain a record of all planning permits on file at the Town Hall, and copies will be made available on request to interested parties.

8.3.1.4.1 Encroachments

It shall be unlawful to place or maintain a fixed object in the public right-of-way without first obtaining an encroachment agreement from the Town, unless the placement or maintenance of the fixed object has been approved by the Board of Aldermen. This section shall not apply to the placement and maintenance of mailboxes and utilities where expressively authorized by state law.

A. In deciding whether to grant any application for permission to encroach upon any public street right-of-way, the Town may consider such factors as it deems appropriate and in the public interest, provided such factors are consistent with applicable law, including without limitation:
   1. The willingness and ability of the applicant to meet construction and physical requirements and to abide by all lawful conditions, limitations, requirements, and policies with respect to the encroachment.
   2. The ability of the applicant to maintain the property of the Town in good condition throughout the term of the relevant franchise or encroachment agreement.
   3. Any services or uses of the public streets or street rights-of-way that may be precluded by the grant of the requested permission to encroach, and the adverse impact of the proposed encroachment on the efficient use of the public streets and street rights-of-way at present and in the future.
   4. The adequacy of the terms and conditions of the proposed encroachment or franchise agreement to protect the public interest, consistent with applicable law; and
   5. Any other public interest factors or considerations that the Town has a lawful right to consider and that are deemed pertinent by the town for safeguarding the interests of the Town and the public
B. Consistent with applicable law, the Town may develop and implement policies and requirements to ensure that the public streets have sufficient capacity reasonably to accommodate existing and future uses in a rational and efficient manner. In evaluating an applicant for the right to encroach upon a public street or street right-of-way, the Town may consider an applicant's proposals for addressing capacity needs and compliance with the Town policies and requirements in that regard.

8.3.1.5 Planning Permit Not Required

Notwithstanding any other provisions of this ordinance, no planning permit is necessary for the following activities:

A. Street construction or repair.
B. Placement of electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
C. Specific signs exempted in Section 5.10.5.
D. Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses.
E. Interior alterations and renovations which do not alter the footprint or height of an otherwise conforming use and/or structure and do not require a trade or building inspection.
F. Bona fide farm buildings in the unincorporated areas under the jurisdiction of this ordinance.

8.3.1.6 Right of Appeal

If a request for a planning permit is denied, any aggrieved party may appeal such ruling to the Board of Adjustment in accordance with this Chapter.

8.3.2 Certificate of Occupancy

No structure hereafter erected, moved, structurally altered or changed in use will be used or occupied until a certificate of occupancy has been issued by the LDO Administrator, the Town Manager, or a designee for the Town of Elon.

A. Any certificate of occupancy issued will state that the structure or portion of a structure is in compliance with the information stated on the planning permit and with all applicable provisions of this ordinance.
B. A record of all certificates of occupancy will be kept on file in the office of the LDO Administrator for the Town of Elon, and copies will be furnished, on request, to all interested parties. If a certificate of occupancy is denied, the reasons for such denial will be specified in writing and provided to the applicant.

8.3.3 Violations *(Amended 6/15/2021)*

8.3.3.1 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Any written complaint stating fully the cause and basis thereof may be filed with the LDO Administrator who will properly record such complaint immediately, investigate, and take action as provided by this ordinance.

8.3.3.2 Notices of Violation

A. When staff determines work or activity has been undertaken in violation of a development regulation contained within the Land Development Ordinance or other local development regulation or any State law delegated to the Town for enforcement purposes in lieu of the State or in violation of the terms of a development approval, a written notice of violation may be issued. The notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may also be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Except as

provided by G.S. 160D-1123 or G.S. 1610D-1206 or otherwise provided by law, a notice of violation may be appealed to the board of adjustment pursuant to G.S. 160D-405.

B. Administrative staff may inspect work undertaken pursuant to a development approval to assure that the work is being done in accordance with applicable State and local laws and of the terms of the approval. In exercising this power, staff are authorized to enter any premises within the Town's jurisdiction at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or than an appropriate inspection warrant has been secured.

8.3.3.3 Penalties

When any structure, use, or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this ordinance as herein provided, an action for injunction, mandamus, or other appropriate action or proceeding to prevent or rectify such violation may be instituted by the LDO Administrator, the Alamance County Building Inspector, any other appropriate Town authority; or any person who may be damaged by such violation.

A. Criminal - Any person, firm, or corporation convicted of violating the provisions of this ordinance will, upon conviction, be guilty of a misdemeanor and will be fined an amount not to exceed five hundred dollars ($500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation will be considered a separate offense, provided that the violation is not corrected within thirty (30) days after notice of violation is given.

B. Equitable Remedy - The LDO Administrator may apply to a court of competent jurisdiction for any appropriate equitable remedy to enforce the provisions of this ordinance. It is not a defense to the LDO Administrator's application for equitable relief that there are other remedies provided under general law or this ordinance.

C. Injunction - Enforcement of the provisions of this ordinance may be achieved by injunction. When a violation occurs, the LDO Administrator may, either before or after the institution of other authorized action, apply to a court of competent jurisdiction for a mandatory or prohibitory injunction commanding the defendant to correct the unlawful condition or cease the unlawful use of the property.

D. Order of Abatement – The LDO Administrator may apply for, and the court may enter into an order of abatement as part of the judgment in the case, directing any of the following actions:
   1. Buildings or other structures on the property be closed, demolished, or removed;
   2. Fixtures, furniture or other moveable property be moved or removed entirely;
   3. Improvements, alterations, modifications or repairs be made; or
   4. Any other action be taken that is necessary to bring the property into compliance with this ordinance.

E. Execution of Court Decisions - If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he or she may be cited for contempt. The LDO Administrator may execute the order of abatement and place a lien on the property in the nature of a mechanic's and material man's lien for the cost of executing the order. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and by posting a bond for compliance with the order. The bond must be given with sureties approved by the Clerk of Superior Court in an amount approved by the judge before whom the matter was heard and will be conditioned of the defendant's full compliance with the terms of the order of abatement within the time fixed by the judge. Cancellation of an order of abatement does not suspend or cancel an injunction issued in conjunction with the order.

F. Stop Work Order Issuance and Revocation of Permits - Whenever a building, structure or part thereof is being constructed, demolished, renovated, altered, or repaired in substantial violation of any applicable provision of this ordinance, the LDO Administrator may order the specific part of the work that is in violation, or would be when the work is completed, to be immediately stopped. The stop work order will be in writing, directed to the person doing the work, and will state the specific work to be stopped, the specific reasons for cessation and the action(s) necessary to lawfully resume work. The LDO Administrator may revoke any permit (e.g. Building Certificate of Occupancy) by written notification to the permit holder when violations of this ordinance have occurred. Permits may be revoked when false statements or misrepresentations were made in securing the permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this ordinance, or a permit has been mistakenly issued in violation of this ordinance.

G. Civil Penalty - In addition to the other remedies cited in this ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-175, the regulations and standards in this ordinance may be enforced through the issuance of civil penalties by the LDO Administrator. Subsequent citations for the same violation may be issued by the LDO Administrator if the offender does not pay the citation after it has been issued, unless the offender has sought an appeal to the actions of the LDO Administrator through the Board of Adjustment. Once the ten-day warning period has expired, each day which the violation continues will subject the violator to additional citations to be issued by the LDO Administrator. The following penalties are hereby established:

Warning:	No fine if violation corrected within 10 days
First Citation:	$50.00
Second Citation for same offense:	$100.00
Third and subsequent Citations for same offense:	$500.00

NOTE: If the offender fails to pay the civil penalties within three (3) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

H. Non-Monetary Penalties - For violations of Section 5.8.3, this ordinance, a non-monetary penalty, in the form of increased or additional planting requirements may be assessed in addition to or in lieu of any monetary penalties prescribed under this Section.

I. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the board of adjustment and any subsequent appeal or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed except by restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within fifteen (15) days after the request is filed.

Notwithstanding any other provision of this subsection, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or the Town may request and the board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

8.3.4 Revocation of Development Approvals *(Included 6/15/2021)*

In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the Town by notifying the holder in writing stating the reason for the revocation. The same development review and approval process required for the issuance of the development approval, including any required notice or hearing, shall be followed in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications, for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the Town for enforcement purposes in lieu of the State, or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by the Town, the provisions of G.S. 160D-405(e) regarding stays apply.

8.4 Amendments *(Amended 6/15/2021)*

Initiation of an amendment

A. A proposed amendment to the text or maps of this ordinance may be initiated by the LDO Administrator, Planning Board, Board of Adjustment, or by an interested party. No amendment to zoning regulations or a zoning map that down-zones shall be initiated nor enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For the purposes of this section, “down-zoning” means a zoning ordinance that affects an area of land in one of the following ways:
    1. By decreasing the development density of the land to be less dense than was allowed under its previous usage;
    2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses that were allowed under its previous usage.
B. An amendment must be submitted in writing, and be accompanied by the appropriate fee as established by the fee schedule as approved by the Town Board of Aldermen.
C. All proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment, in accordance with G.S. 160D-604(b). If no written report is received from the planning board within thirty (30) days of referral of the amendment to that board, the Board of Aldermen may act on the amendment without the planning board report. The Board of Aldermen is not bound by the recommendations, if any, of the planning board. Notwithstanding any authority to assign duties of the planning board to the governing board that may be provided elsewhere, the review and comment required by this section shall not be assigned to the governing board and must be performed by a separate board.
D. Plan Consistency. When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the

proposed action is consistent with any comprehensive plan that has been adopted or any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen. Upon consideration by the Board of Aldermen, a brief statement describing whether its action is consistent or inconsistent with the adopted comprehensive plan shall be approved when the proposed amendment is either adopted or rejected. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional requ4est or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the Board of Aldermen statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

E. Additional Reasonableness Statement for Rezonings. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the Board of Aldermen. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the Board of Aldermen statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement. This statement of reasonableness may consider, among other factors:
    1. The size, physical conditions, and other attributes of the area proposed to be rezoned;
    2. The benefits and detriments to the landowners, the neighbors, and the surrounding community;
    3. The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
    4. Why the action taken is in the public interest; and
    5. Any changed conditions warranting the amendment.

F. Notice of consideration of zoning map amendments must be given in accordance with G.S. 160D-602, specified as follows:
    1. Mailed Notice. The owners of affected parcels of land and the owners of all parcels of land abutting that parcel of land shall be mailed notice of the hearing on a proposed zoning map amendment by first-class mail at the last addresses listed for such owners on the county tax abstracts. For the purposes of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. This notice must be deposited in the mail at least ten (10) but not more than twenty-five (25) days prior to the date of the hearing. If the zoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least thirty (30) days prior to the hearing.
    2. Optional Notice for Large-Scale Zoning Map Amendments. The first-class mail notice required under subsection 1. of this section is not required if the zoning map amendment proposes to change the zoning designation of more than fifty (50) properties, owned by at least fifty (50) different property owners, and the Town

elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to make the mailed notice provided for in subsection 1. of this section, or as an alternative, elect to publish notice of the hearing as required by G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement is effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection 1. of this section.

3. Posted Notice. When a zoning map amendment is proposed, the Town shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

G. Notice of Consideration of Zoning Ordinance Text Amendments shall be as follows, pursuant to G.S. 160D-601:

1. Before adopting, amending, or repealing any ordinance or development regulation, the Board of Aldermen shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.
2. A development regulation shall be adopted by ordinance.

8.5 Appeals and Variances *(Amended 6/15/2021)*

8.5.1 Initiation of an Appeal or Variance

A. An appeal of an order, requirement, decision, interpretation, determination, or citation made by the LDO Administrator may be initiated by any person who has standing under G.S. 160D-1402(c) or by the Town.
B. An appeal is taken by filing a notice of appeal with the town clerk. The notice of appeal shall state the grounds for the appeal.
C. A petition or notice for appeal or variance must be submitted in writing within thirty (30) days of receipt of the written notice of the decision, order, determination, or interpretation made by the LDO Administrator. In the absence of evidence to the contrary, notice given by first-class mail is deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service.
D. Any appeal, other than from the LDO Administrator, will be accompanied by the appropriate fee established by the fee schedule as approved by the Town Board of Aldermen.
E. The LDO Administrator may make an appeal to the Board of Adjustment at any time.
F. A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.
G. An appeal stays all proceedings in furtherance of the action appealed from, unless the LDO Administrator certifies to the Board that a stay would cause imminent peril to life or property.

Upon certification, a stay in proceedings may occur by an order issued by a court of competent jurisdiction.

H. Except as otherwise noted, an appeal from a decision of the Board of Aldermen or the Board of Adjustment must be filed with the clerk of superior court within thirty (30) days of the written decision.

8.5.2 Appeal Procedures

The Board of Adjustment will hear and decide appeals and apply such interpretation to particular fact situations.

A. Notice of the public hearing must be given according to the notification process detailed in Section 6.2.2.

B. During the public hearing, all parties presenting testimony and evidence must be duly sworn-in by the town clerk, chair of the board, or any member acting as chair of the board are authorized to administer oaths to witnesses in any matter coming before the board. Testimony regarding the request must be presented and be considered in the Findings-of-Fact prescribed in this section.

C. In all matters coming before the Board of Adjustment, the applicant will have the burden of providing clear, competent and material evidence in support of the application.

D. The Board of Adjustment may, after having held a public hearing on the matter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed.

E. The Board of Adjustment will have all the powers of the LDO Administrator in making any order, requirement, decision, interpretation or determination with reference to an appeal or petition.

F. The Board may refuse to rehear an appeal previously denied if it finds there have been no substantial changes in conditions or circumstances bearing on the case.

G. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the Board of Adjustment and any subsequent appeal in accordance with G.S. 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the Board after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation. In that case, enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board shall meet to hear the appeal within fifteen (15) days after the request is filed. Notwithstanding any other provision of this section, appeals of decisions granting a development approval or otherwise affirming that a proposed use of property is consistent with the development regulation does not stay the further review of an application for development approvals to use the property; in these situations, the appellant or Town may request and the Board may grant a stay of a final decision of development approval applications, including building permits affected by the issue being appealed.

8.5.3 Variance Procedures

The Board of Adjustment will have the power to vary or modify any of the regulations or provisions of this ordinance when special conditions, or unnecessary hardships would result from carrying

out the strict letter of this ordinance relating to the construction or alteration of buildings or structures or the use of land.

A. Notice of the public hearing must be given according to the notification process detailed in Section 8.2.2 of this ordinance.

B. During the public hearing, all parties presenting testimony and evidence must be duly sworn-in. Testimony regarding the request must be presented and be considered in the Findings-of-Fact prescribed in this section.

C. The Board of Adjustment may only grant a variance following a public hearing on the matter and having made the following findings of fact:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing the property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

D. The Board of Adjustment, in granting a variance, may prescribe appropriate conditions and safeguards in conformity with this ordinance, provided that the conditions are reasonably related to the variance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is granted, will be deemed a violation of this ordinance and will be punishable as prescribed in this section.

E. Unless otherwise authorized by the Board of Adjustment and included in its decision to grant a variance, an order of the Board of Adjustment in granting a variance will expire, if a building permit, or certificate of occupancy (for a use for which a building permit is not required), has not been obtained within one year from the date of its decision.

F. If an application for a variance is approved by the Board of Adjustment, the owner of the property will have the ability to develop the use in accordance with the stipulations contained in the variance or develop any other use listed as a "permitted use" for the planning district in which it is located.

8.6 Annexations and Extraterritorial Jurisdiction *(Included 6/15/2021)*

8.6.1 Extraterritorial Jurisdiction

A. Pursuant to G.S. 160D-201, all of the powers granted by G.S. 160D-202 to the municipal corporate limits may also be exercised within the extraterritorial jurisdiction.
B. Extraterritorial jurisdiction population estimates shall be updated no less frequently than with each decennial census.
C. Any proposed addition to the extraterritorial jurisdiction shall include a notification to owners of all parcels of land subject to the proposed addition. Such notice shall be sent by first-class

mail to the last addresses as shown on the county tax records. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a legislative hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160D-601, and of the right of all residents of the area to apply to the board of county commissioners to serve as a representative on the planning board and the board of adjustment, as provided in G.S. 160D-303. Such notice shall be mailed at least thirty (30) days prior to the date of the hearing. The person or persons mailing the notices shall certify to the Board of Aldermen that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud. The hearing to consider extension of the extraterritorial jurisdiction, and notice thereof, may also include consideration of the initial zoning amendment for the subject properties.

Chapter 9 - NONCONFORMITIES

9.1 General

Where legally existing lots, structures or uses of land become prohibited by the passage or amendment of this ordinance or the extension of jurisdiction, these nonconformities may continue only under the terms of this ordinance. Nonconformities may not be enlarged, expanded or changed to another nonconforming use.

9.2 Nonconforming Lots of Record

Legally existing, nonconforming lots of record may be developed only in accordance with the following provisions:

9.2.1 Single Lot of Record

A. A single, nonconforming vacant lot which does not conform to the area or width requirements of the planning district in which it is located may be developed for any use permitted by these regulations in the planning district in which it is located provided that all applicable setback requirements are met.

9.2.2 Lots with Contiguous Frontage in Single Ownership

A. Where two (2) or more adjoining nonconforming vacant lots have contiguous frontage are held in one ownership, such lots must be combined to create a single lot for the purpose of development.
B. If said combination, however, results in the creation of a single lot that is more than 1 ½ times the minimum lot width or area required in the planning area, then the lots may be combined into lots which need only meet the planning district setback requirements for the development proposed.
C. A nonconforming lot may be developed if, at the effective date of this ordinance, the subdivision in which the lot was located had received preliminary or final plat approval.

9.3 Nonconforming Structures

A nonconforming structure may continue only in accordance with the following provisions:

A. Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.
B. A nonconforming structure may not, under any circumstances, be enlarged or altered in a way which increases its nonconformity.
C. If a nonconforming structure is damaged to an extent of 60 percent or greater of its assessed value for tax purposes, it may be rebuilt only in conformance with the requirements of this ordinance.
D. If a nonconforming structure is damaged to an extent less than 60 percent of its assessed value for tax purposes, a building permit for reconstruction of the structure must be secured no later than 180 days from the date of its destruction. Reconstruction of the structure may be permitted provided it is constructed in the same manner in which it originally existed.
E. Nonconforming structures may only be moved or relocated, so as to make the structure conforming.
F. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this ordinance.

9.4 Nonconforming Uses

A. A nonconforming use may not be expanded, increased, extended or enlarged in any way.
B. A nonconforming use may not be changed to another nonconforming use.
C. If a nonconforming use is abandoned for one hundred-eighty (180) days or more, the use will not be allowed to re-establish.
D. Once a nonconforming use has been changed to a conforming use, it may not thereafter be used for any nonconforming use.

9.5 Nonconforming Landscaping and Screening

A. If there is a change of use or an expansion of more than five-hundred (500) square feet to the heated square footage of an existing use requiring landscaping and screening, the lot will fully comply with all street yard landscaping, and screening requirements.
B. Expansions to the parking area or loading areas which increase the total area more than forty (40) percent will be required to comply with all applicable parking and loading area landscaping and screening.

9.6 Nonconforming Plans

A. Any site specific plan for the development of property and/or construction of a building which has received final approval by the Board of Aldermen but does not conform to the provision of this ordinance, may be developed as approved.
B. Any amendment or modification to an approved site specific plan must comply with the provisions of this ordinance.
C. Nothing herein is intended to prohibit the exercise of any vested right established by common law, ordinance or statute.

9.7 Nonconformities Resulting from Government Acquisition

A. Any lot reduced in size by municipal, county or state condemnation or purchase of land will retain nonconforming status to the extent that the land acquisition causes noncompliance with this ordinance.

Chapter 10 – Definitions *(Amended 5/14/2019, 10/15/2019, 5/12/2020, 11/10/2020, 6/15/2021)*

For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined below. Except as defined herein, all other words used in this ordinance will have their everyday dictionary definition.

AAAA

Abandon: To cease the regular use or maintenance of a lot, building, or structure.

Abutting: Having common property boundaries or lot lines that are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

Accessory structure or use: A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. In no event will "accessory use" or "accessory structure be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located

Adjacent: Either abutting or being directly across a street.

Administrative Decision: A decision made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Ordinance or as provided in G.S. Chapter 160D. These are sometimes referred to as ministerial decisions or administrative determinations.

Adult Establishment: Adult cabarets, adult bookstores, adult mini-motion picture theaters, and all other places contained in G.S. 14-202.10.

Agricultural Industry: Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries), commercial fish or poultry hatcheries, and other similar activities.

Amendment: Any change by the Town Board of Aldermen to the text of these regulations or the official planning area maps.

Amusement, commercial outdoor: Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, par 3 golf course, golf driving range, go-cart or motorcycle course, fish ranch, or similar activity to the general public.

Amusement, commercial indoor: Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

Alley: A vehicular thoroughfare providing a secondary means of public access to abutting property, typically at the rear of a lot, and occassionally on the side of a lot.

Arborist: A professional in the field of arboriculture who provides expert advice about trees and other woody plants, their care, preservation, and value.

Arena: A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

Automotive repair: A building and its premises used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work Minor repairs will be limited to battery and tire changes, light and fuse replacement, wiper blade changes and similar activities. Also referred to as vehicle repair.

Awning: A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not a canopy.

BBBB

Bed and Breakfast Inn: A use that takes place within a building that, prior to such an establishment, was a single family residence, that consists of renting from one to eight dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The homeowner will reside on site and employment will not exceed two full time employees in addition to the owner(s).

Best Management Procedures (BMPs): A structural or non-structural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.

Non-structural BMPs: Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

Structural BMPs: Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices.

Board of Adjustment: The Board of Adjustment of the Town of Elon.

Block: An area formed by streets, or an area formed by streets and alleys.

Buffer: (See also Screening.) A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

Buffer, Stormwater: 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 is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building face: The dominant structural feature of the elevation of any side of a building. For example, the building face of a two-story dwelling with one-story porch is the two-story elevation of the structure.

Build-to Line: A line extending through a lot which is generally parallel to the front property line and marks the location from which the principal vertical plane of the front building elevation shall be erected, intended to create a Traditional Building Façade Line on a street.

Building lines: Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

Building site: (See also Development.) An area of land, or property where development is undertaken.

Building Types: Names that are used to describe structures such as workplace, storefront, apartment, attached house, detached house and civic (such as churches and schools). The building types are as follows:

A. Workplace building: The workplace building may have either single or multiple uses or tenants. Office, industrial, and commercial tenants are typical.
B. Storefront building: Storefront buildings may accommodate a variety of uses. A group of storefront buildings can be combined to form a mixed-use neighborhood center. Individual storefront buildings can provide some commercial service close to homes.
C. Civic building: Civic buildings are used for public purposes. These buildings must be designed appropriately to fit within neighborhoods as integral parts of the community. Their uses include churches, libraries, post offices, and schools.
D. Live/Work units: Live/work units combine commercial and residential uses within a single dwelling unit of two or more stories.
E. Apartment buildings: Apartment buildings are residential buildings accommodating several households. Three or more dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.
   When well designed, this building type can coexist with a variety of other residential building types.
F. Multi-Family Dwellings above Commercial: multi-family development located above ground floor Commercial Use
G. Offices above Retail: Offices located above ground floor Retail Use.
H. Attached houses: Rowhouse, townhouse, duplex, triplex, or quadraplex houses, generally developed side by side for condominium unit sale, or where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.
I. Detached houses: A dwelling unit that is developed with no party walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles. Single-family usage only.
J. Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but may be occupied by another. If the principal dwelling is a group home, use of an accessory dwelling will not increase the number of residents otherwise permitted in a single group home.

Built-upon Area (B.U.A.): Built-upon areas will include that portion of a Development project that is covered by impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. “Built-Upon Area” does not include a slatted deck; the water of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour), or landscaping material, including but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such a the area between sections of pavement that support the weight of a vehicle.

CCCC

Caliper: A standard trunk diameter measurement for trees. This measurement is taken six inches above the ground for up to and including four-inch caliper size, and twelve inches above the ground for larger sizes.

Canopy: A permanent structure, not enclosed and not retractable, attached or unattached to a building, for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall.

Canopy Tree: A species of tree which normally grows to a mature height of 35 feet or more with a minimum mature crown width of 30 feet and meets the specification of the most recent edition of the *American Standard for Nursery Stock*, published by the American Association of Nurserymen.

Change of Use: The change in the use of a structure or land, for which a certificate of occupancy is required. Change of use will include a change from one use to another use in the list(s) of permitted uses, and will also include a change from one use to another use within any broad category of uses, such as from one use listed in the commercial use category to another use listed in the commercial use category, as herein defined.

Church: see Religious Institution.

Clinic, medical, dental, or optical: A use or structure intended or used primarily for the testing and treatment of human physical or mental disorders.

Clinic, veterinary: A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of wild animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

Commencement of construction: The first placement of permanent evidence of a structure on a site pursuant to a duly issued building permit, such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. "Commencement of construction" does not include the installation of streets or walkways; nor the excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of temporary buildings, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

Commercial communication tower: A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication. This term will not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.
Commercial use: A category of uses that includes retail establishments, offices, professional and personal services, light manufacturing and assembly, financial services, health care services, skilled nursing facilities and congregate housing facilities, indoor motion picture theaters, conference centers, laboratories and associated research facilities whose products or waste products entail no special environmental handling requirements, studios, broadcast facilities (excluding towers), hotels and inns, theaters, restaurants without drive-through windows, bars, and day care facility as a **principle** use. Each use permitted in the commercial use category will also meet any applicable conditions set out in Section 7. Excluded from the commercial use category are adult uses; vehicle, boat, or manufactured home sales, service, and repair; wholesale sales; heavy manufacturing; outdoor storage; outside commercial kennels, and other uses that, by their nature or service characteristics are auto dependent, have potential for environment degradation, or are otherwise incompatible with nearby residential use.

Commercial: See "Commercial Use"

Community Park: A park that is intended for use by all residents of the Town and is designated as a Community Park in the Parks and Greenway inventory maintained by the LDO Administrator and adopted by the Board of Aldermen. The Town hereby finds and determines that the designation "Community Park" does not depend exclusively upon its size, location, or function.

Congregate housing: Dependent or independent living facilities for the elderly; dormitories, orphanages, and similar uses, but not including group homes.

Consultant: Certified professionals such as arborists, biologists, foresters and horticulturists that are approved by the LDO Administrator.

Copy: Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

Correctional Institution: A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24 hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

Critical Area: The area adjacent to a water supply intake where risk associated with pollution is greater than from the remaining portions of the watershed.

Crosswalk: A pedestrian thorough fare that is line striped or has pavers or a colorized pavement that links to sidewalks and provides a pedestrian circulation route across streets.

Cultural facility: An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

DDDD

Day care center: A location providing day care, as a principal use or an accessory use, provided on a less than 24-hour basis for any one client, either children or adults, according to the following limiting definitions:

> Child day care center: An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; usually serving more than 10 children at a time; not an accessory to residential use.
>
> Adult day care center: An individual, agency, or organization providing supervision or care on a regular basis; usually for more than 6 adults in a place other than their usual place of abode; not an accessory to residential use.
>
> Day care home (accessory use): Day care provided on a less than 24-hour basis for either children or adults, according to the following limiting definitions.
>
> Child Day Care Home (accessory use): Supervision or care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for 5 to 10 children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adult.
>
> Adult Day Care Home (accessory use): Care provided on a regular basis as an accessory use within a principal residential dwelling unit, by a resident of the dwelling, for up to 6 adults who do not reside in the dwelling.

Deciduous Plant: Those plants that annually lose their leaves.

Dependent living facility: Nursing homes, rest homes, and homes for the aged facilities, which are designed for persons who need a wide range of health and support services, such as medical, nursing, and personal services care, central dining facilities, and transportation services.

Density, gross residential: The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

Determination: A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer: Any person seeking approval under these regulations for any form of development.

Development: The carrying out of any building activity, or the making of any material change in the use or appearance of any structure or land.

A. Except as provided in subsection C hereof, for the purposes of these regulations the following activities or uses will be considered development:

    1. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;

2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
3. Alteration of the shore or bank of a pond, lake, river, or other waterway,
4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;
5. Clearing of land, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; or
6. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

B. Development includes all other activity customarily associated with it. When appropriate to the context development refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.

C. For the purposes of these regulations the following operations or uses will not be considered development; some may, however, require a building permit:

1. Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or decoration of the exterior of the structure or interior alterations that do not change the use for which the structure was constructed.
2. Work involving the maintenance or replacement of existing landscaped areas and existing rights-of-way;
3. A change in use of land or structure from a use within a specified category of use to another use in the same category;
4. A change in the ownership or form of ownership of any parcel or structure;
5. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land unless otherwise specifically required bylaw, or
6. The clearing of survey cuts or other paths of less than four feet in width.

Diameter at Breast Height (DBH): the tree trunk diameter measured in inches at a height of 4.5 feet above the ground. Generally used for measuring existing trees.

Discharge: The introduction, either directly or indirectly, of any man induced waste effluent into North Carolina surface waters.

Dormitory: A building which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" will not include a boarding house, motel, hotel, group home, or health institution.

Downtown: The central business district of the Town of Elon, as depicted in the Downtown Elon Master plan, that being the area of the TC-1 Town Center -1 District.

Downtown Elon Master Plan: The document approved by the Board of Alderman of the Town of Elon on July 8, 2014, consisting of plans, maps, clients, illustrations and text, intended to guide development and redevelopment within the TC-1 Town Center-1 District.

Drip Line: An imaginary vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

Dwelling: Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that it does not include any manufactured home, mobile home, or recreational vehicle if used solely for a seasonal vacation purpose.

Dwelling unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Detached house. A dwelling unit that is developed with no party walls and with open yards on at least three sides, including modular homes, but not including manufactured homes, mobile homes, or recreational or motor vehicles.

Attached house. Rowhouse, townhouse, duplex, triplex, or quadraplex houses, generally developed side by side for condominium unit sale, or where land is sold with the dwelling unit. Attached dwellings on individually deeded lots are excluded from the definition of (apartment) multi-family dwellings.

Apartment house. More than four dwelling units placed one on top of another and/or side by side and sharing common walls and common floors and ceilings, and which are located on a single lot of record.

Accessory dwelling. A dwelling unit which is located on the same lot as a detached or attached single family house, has a first floor area no greater than 650 square feet, is owned by the owner of the principal dwelling unit but may be occupied by another. If the principal dwelling is a group home, use of an accessory dwelling will not increase the number of residents otherwise permitted in a single group home.

EEEE

Elementary and secondary schools: Publicly-owned or privately-owned preschools, elementary schools, middle schools, junior high schools, and high schools; but not including institutions the primary function of which is child day care.

Equitable Remedy: A court decision which prescribes a method of 'equitable' compliance with the terms and conditions of the Land Development Ordinance.

Essential Services: Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam or water, the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Radio transmission facilities for use by ham radio operators or two way radio facilities for business or governmental communications will be deemed accessory uses and not essential services, provided no transmitter or antenna tower exceeds 180 feet in height. Essential Services are divided into three classes:

Class 1 Transmission lines (above and below ground) including electrical, natural gas, and water/waste water distribution lines; pumping stations, lift stations, and telephone switching facilities (up to 200 square feet);

Class 2 Elevated water storage tanks; package treatment plants; telephone switching facilities (over 200 square feet), substations, or other similar facilities used in connection with telephone, electric, steam, and water facilities; raw water treatment facilities.

Class 3 Generation, production, or treatment facilities such as power plants, sewage treatment plants, and landfills.

Evergreen: Those plants that retain foliage throughout the year.

Evergreen Screen: Plants growing to a minimum 8 feet in height at maturity that retains foliage year round and are planted to provide a dense vegetative screen for purposes of visual mitigation.

Existing Development: Existing development, as defined for the purpose of this section, means projects that are built or projects that at a minimum have established a vested right under North Carolina planning law as of the effective date of the amendment incorporating Water Supply Watershed Regulations into the Elon Planning Ordinance based on at least one of the following criteria:

1. Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
2. Having an outstanding valid building permit; or
3. Having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan.

Existing Lot (of Record): A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Exterior features:The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

FFFF

Façade: The principal vertical surface of a building which is set along a frontage line. The elevation of a facade is the vertical surface area. Facades are subject to visual definition by building height, setback or build to lines, (a line prescribed for the full width of the facade above which the facade sets back; the location of a recess line is determined by the desired height to width ratio of the enfronting space or by a desired compatibility with existing buildings), and transition lines (a line prescribed for the full width of the facade expressed by a variation of material or by a limited projection such as a cornice or balcony).

Fascia: The material on a building that covers the area where the top of a building wall joins the roof.

Family: An individual, or two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit; or a group of not more than three persons not related by blood, marriage, or adoption living together as a single housekeeping unit.

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.

Farm, bona fide: Any tract of land used for agricultural activities as set forth in G.S. 160D-903. Except as provided in G.S. 106-743 for farms that are subject to a conservation agreement, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and al other forms of agriculture, as defined in G.S. 106-581.1, and which may include facilities for the sale of such products from the premises where produced.

Farm Product Sales: Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.
Farmhouse Cluster: A rural subdivision for up to six house lots accessed by private drive; permitted only in the rural planning area.

Floor: The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Floor area: The sum of the gross horizontal areas of each floor of the principal building' and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

Floor area ratio (FAR): The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Food Trucks: A food truck is defined as a “licensed, motorized vehicle, or trailer that is designed and equipped in preparing and serving food and non-alcoholic beverages on private property to the general public on a recuring basis.

Frontage: The lot boundary which coincides with a public thoroughfare or space. The facade of a structure facing the street.

GGGG

Gasoline service station: Any premises where gasoline and other petroleum products are sold and light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor,or cleaning may be conducted, having no more than 4 pumping stations and accomodating 8 cars. Service stations will not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted.

Government Building: A building, use, or facility serving as a governmental agency, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Grade: The elevation of the land or land level at a specific point.

Grade, Street: The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.

Ground Cover: A prostrate plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides.

Group home: A residential home provided by an agency, organization, or individual for persons who need sheltered living conditions, but not including persons who are dangerous to others as defined in G.S., Sec. 122C-3(11)b, as amended. Group homes for up to six persons are permitted in any district which allows residential use.

HHHH

Hardscape: The materials used to form the ground plane of a space, such as brick, flagstone, or other like type unit pavers, as well as patterned or scored concrete.

Hazardous Material: Any substance listed as such in: SARA section 302, Extremely Hazardous Substances, CERCLE Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Heavy Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards; or that otherwise do not constitute "light manufacturing"; or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the lot.

Home Occupations: A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling. and which is incidental and secondary to the residential use of the building

Horse Farm: Any tract of land of three or more acres which is principally used for the breeding, training, riding, and/or maintenance of horses, and those uses which are accessory thereto, including up to one dwelling unit per each five acres and facilities for the sale of horses raised or maintained on the immediate premises.

Hospital: A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not- for-profit basis; but not including group homes.

Hotel: A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, with entries to a room from an interior space.

IIII

Income Limits: the publication numbered PDR-99-02 and entitled "Transmittal of Fiscal Year (FY) 1999 Income Limits for the Public Housing and Section 8 Programs," as may be amended or superseded from time to time, which document is hereby incorporated by this reference. The applicable standard will include the "Low (80%) and (50%) Income Limit - 2 Persons" for Alamance County. A copy of this publication is maintained in the office of the LDO Administrator.

Independent Living Facility: Congregate living facilities, such as rest homes and homes for the aged, which are designed for older persons or disabled persons who do not require health and support services, such as medical and nursing care, central dining, and transportation service, located on the site. Each living unit may be self-contained and is physically accessible to older or disabled persons. Distinguished from apartment building(s) by the provision of some communal services.

Indoor Recreation: Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

Industrial Discharge: The discharge of industrial process treated wastewater or wastewater other than sewage and includes:

1. wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
2. wastewater resulting from processes of trade or business, including wastewater from Laundromats and car washes, but not wastewater from restaurants;
3. stormwater will not be considered to be an industrial wastewater, unless it is contaminated with industrial wastewater; or
4. wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Injunction: A court order that prohibits a party from doing something (restrictive injunction) or compels them to do something (mandatory injunction).

Interconnected: Refers to streets which provide through access to other streets; interconnected street systems may be either rectilinear or curvilinear.

JJJJ

Jail: A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

Junk yard: A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged, or sold.

KKKK

Kennel, commercial: A use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.
Kennel, private: A structure used for the outdoor accommodation of small domestic animals and not operated on a commercial basis.

LLLL

Lamppost: A decorative type of street light that is pedestrian in scale, and in character with the Downtown setting of Elon.

Land Clearing and Inert Debris (LCID) landfill: A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes meeting the standards of the State of North Carolina. A clean fill operation which is conducted to improve or recontour land, using only soil, is not construed to be such a landfill.

On-site LCID landfill. A LCID landfill which is located within the confines of property being developed or in use, and used only for the disposal of acceptable materials which are generated on the property being developed or used; a disposal site that is dearly an accessory use to the development activity.

Off-site LCID landfill. A LCID landfill which is itself the principal use of a property and is used for the disposal of acceptable materials, some or all of which are generated off the site of the property being used for the landfill.

Land Disturbing Activity: Any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to sedimentation or soil compaction, that affects the critical root zone.

Landscaping: The installation and maintenance, usually of a combination of trees, shrubs, plant materials, or other ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel. Any live plant material such as trees, shrubs, ground cover, and grass areas left in their natural state.

LDO Administrator: The employee(s) or agent(s) designated by the Town of Elon to oversee the administration and enforcement of these Land Development Ordinance (LDO) regulations.

Light Manufacturing: The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place; where such processes are housed entirely within a building; or where the area occupied by outdoor storage of goods and materials used in such processes do not exceed 25 percent of the floor area of all buildings on the property.

Linear Frontage: The length of a property abutting a public right-of-way from one side lot line to another.

Live/Work: An attached building type with small commercial enterprises uses on the ground floor and a residential unit above.
Commercial space may be a home-based business or may be leased independently; however, different NC State Building Code regulations apply in each case.

Logo: Business trademark or symbol.
Lot: A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

Lot Coverage: The Built-upon Area of a lot, generally expressed as a percentage of the total lot area.

Lot of Record: A lot described by plat or by metes and bounds which has been recorded in the office of the Register of Deeds.

Lot Types:

Corner Lot. A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135 .

Interior Lot. A lot other than a corner lot with frontage on only one street.

Through Lot. A lot other than a corner lot with frontage on more than one street.

Reverse Frontage Lot. Any lot oriented to an abutting street in such a way that the intersection of the front building line, extended, and the street right of way line form an interior angle of less than 45 degrees is defined as having reverse frontage relative to said street.

Lot Width:

1. The distance between the side lot lines measured along a setback line or build-to line; or
2. The distance between the side lot lines measured along an established setback line (when that line is greater than the setback or build-to line required by this ordinance) along the turnaround portion of a cul-de-sac street; or

3. If no setback is required for a lot according to this ordinance, and no setback has been established on a previously recorded plat, lot width is the distance measured between the side lot lines along the street right of way.

MMMM

Maintained Easement: A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

Manufactured Home: A dwelling unit, other than a modular home, fabricated in an off-site manufacturing facility for installation or assembly on the building site, which is at least eight feet in width and at least 32 feet in length, which bears a seal certifying that it was built to the standard adoped pursuant to the “National Manufactured Housing Construction and Safety Standards Act of 1974”, 42 U.S.C. Sec 5401 et seq., which is placed upon a permanent foundation which meets the installation and foundation requirements adopted by the N.C. Commissioner of Insurance, but which is not constructed or equipped with a permanent hitch or other device allowing it to be

moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

Manufactured Home Park or Rental Community: Any parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of manufactured homes.

Manufactured Home Subdivision: Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

Massage therapy: Health massage or bodywork therapy, performed by a practitioner credentialed in one of the following ways:

1. Having a diploma or certificate from an institute or school of health massage, which has been accredited by either the American Massage Therapists Association, the National Therapists Association, or from an accredited college or university school of education for massage therapy; or

2. Providing verification and documentation of at least 500 hours of experience in the practice of health massage/bodywork therapy and three letters of reference from state licensed health care professionals or licensed therapists on their professional letterhead.

Massing: The shape and form a building or assemblage of buildings assumes through architectural design.

Master Plan: A Plan depicting the subdivision of land and proposed improvements and/or buildings. Such a Plan combines the subdivision and site plan process to show the proposed build-out of a property on one, combined plan.

Maternal Care Home: A home for nine (9) or less individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for resident females who are pregnant or have recently given birth. For regulatory purposes, children less than one (1) year in age shall not be counted as individuals.

Mean Sea Level: The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the Flood Insurance Rate Maps for Alamance County are referenced.

Mini-Warehouse/Self-Storage: A building or buildings containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

Mobile Home: A movable or transportable dwelling unit, other than a modular home or manufactured home, of at least 8 feet in width ant at least 32 feet in length, constructed to be transported on its own chassis ant including one or more components for transporting the unit.

Mobile Home Park: Any site or parcel of land under single ownership where land is rented and utilities are provided for the installation or placement of mobile homes.

Mobile Home Subdivision: Any parcel of land which is subdivided, with utilities extended for the installation or placement of mobile homes.

Modular Home: A dwelling unit which is constructed in compliance with the State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Motel: A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, with entries to a room from an exterior space.

Multi-Family Development: Three (3) or more dwelling units on a single zone lot, including apartments, residential condominiums, and townhouses.

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 including apartments, townhouses, and condominiums.

NNNN

Nightclub: Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

Nonconforming Structure: Any structure, lawfully existing on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the planning area maps which renter such structure nonconforming, which does not comply with all of the standards and regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Use: Any use, lawfully being made of any land, building or structure on the effective date of these regulations or on the effective date of any subsequent amendments to these regulations or the planning area maps which render such use nonconforming, which does not comply with all of the regulations of this ordinance or any amendments thereto, whichever may be applicable.

Nonconforming Vacant Lot: Any lot of record which does not meet the minimum area or with requirements established in these regulations or any amendment thereto, whichever may be applicable.

Nonresidential Development: All development other than residential development, agriculture and silviculture.

Nursing Home: A facility or establishment which provides full-time convalescent or chronic care, or both, to 3 or more 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. Such congregate care facilities are classifies as "dependent living facilities" or "independent living facilities" depending upon the degree of support services on site.

OOOO

Off-street parking: Parking which occurs on a lot and not on a street or other public right of way.

Office: A use or structure in which business or professional services are conducted or rendered.

Open Space: Any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements. In the farmhouse cluster or low-impact subdivision, open space may also include portions of private building lots subject to a permanent open space easement. Urban open space assumes one or more of the forms detailed in Section 11, and may contain recreation equipment and amenities as indicated. Rural open space is site specific in its designation.

Outdoor lighting: Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

Outdoor recreation: Swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation "will include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal recreational use.

Out parcel: A parcel of land associated with a shopping center or multi-tenant development, which is designated on an approved site plan as a location for a free standing structure with an intended use such as, but not limited to, banks, savings and loans, dry cleaners, service stations, offices, restaurants, retail establishments, or combination of uses thereof, and adjoins the shopping center or multi-tenant development, or the parking and service drives associated with it, on any side adjacent to a public right-of-way.

Overnight camping trailer park: Any lot upon which two or more overnight camp sites and/or overnight camping trailers occupied for temporary shelter, dwelling, recreation, or vacation uses may be located on a non-profit or for profit basis.

Owner: Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

PPPP

Parapet: A low wall encircling the perimeter of a flat building roof, generally used to screen roof-mounted mechanical equipment.

Parcel: Any quantity of land and/or water capable of being described in definitive terms with respect to its location and boundaries. It may be established as distinct from other parcels which are designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Park: Any land owned by a governmental body and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife. See also Community Park.
Parking, On Street: A line-striped space that is typically 7 feet wide and 22 feet long, parallel to and adjoining the curb, within which vehicles are stored for a temporary period of time.

Park and Ride Lot: A parking lot designed for drivers to leave their cars and use mass transit facilities beginning, terminating, or stopping within immediate walking distance of the park and ride facility.

Parking Lot: An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

Pedestrian Oriented Development: Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which balance the need of the pedestrian and car equally.

Performance Guarantee: A performance guarantee shall mean any of the following forms of guarantee.

A. A surety bond issued by any company authorized to do business in North Carolina;
B. A letter of credit issued by any financial institution licensed to do business in North Carolina; or
C. Any other form of gurantee that provides equivalent security to a surety bond or letter of credit.

Pier: A brick, stone or other masonry column-like structure that accentuates an entrance, or is used in combination with fencing to create an edge to the Streetscape.

Person: An individual, corporation, governmental agency, business trust, estate trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Planning Board: The Town of Elon Planning Board, established by ordinance in accordance with NCGS 160A-361.

Planting Area: The landscape area prepared for the purpose of accommodating the planting of trees, shrubs, and groundcovers.

Planned Development: A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

Planting Strip: The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping. Also called street tree planting easement.

Plaza: An urban open space that is used as a pedestrian gathering area, constructed entirely or largely of hard-surfaced stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings**;** and occasionally used for occasional parking in front of a civic or public building.

Premises: A parcel of real property with a separate and distinct identifying number shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable planning. Out parcels of shopping centers will be considered on the premises of shopping center for the purpose of this ordinance.

Principal building or structure: A building or structure containing the principal use of the lot.

Principal use: The primary purpose or function that a lot serves or is proposed to serve.

Project area: Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations.

Proposed right-of-way line: The margin of a thoroughfare's right-of-way at its ultimate intended width determined by (1) the thoroughfare's classification and (2) dimensional requirements or locational criteria as established in the land development ordinance.

Protected Area: The area adjoining and upstream of the Critical Areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the Critical Area.

Public Art: Sculpture, statures, monuments, murals, fountains, and the like that accentuates a public space or streetscape.

Public Space: An area within which pedestrians gather, such as a Town Commons, Plaza, Park, and/or Courtyard.

Public utility structure: An electricity or gas substation, water or wastewater pumping station, telephone repeater station or similar structure used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a public or private wastewater treatment plant or water treatment plant, but not including satellite dish antennae, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

QQQQ

Quadrangle: A rectangular area, such as a courtyard, enclosed by buildings.

Quarry: An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

Quasi-judicial Decision: A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, dcisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

RRRR

Reach: A longitudinal segment of a stream or river, such as the segment between two bridge crossings or the mouths of two tributaries to the stream or river.

Redevelopment: A type of infill development in Downtown Elon whereby new buildings or renovation buildings are built in accordance with the Downtown Elon Master Plan, or the adaptive re-use of an existing building in the Downtown consistent with the Downtown Elon Master Plan, whereby 50% or more of the building is modified.

Reclassification of land: A change in the planning area assigned to a lot pursuant to a public hearing before the Town Board of Aldermen and a subsequent decision by the Board.

Regulatory Flood: A flood representative of large floods reasonably characteristic of what can be expected to occur on a particular stream, with an average recurrence interval of 100 years, determined from an analysis of floods on a particular stream and other streams in the same general region.

Religious institution: A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory use or structure, such as a school, day care center, or dwelling, located on the same lot.

Renovation Building: A new building as shown in the Downtown Elon Master Plan.

Research laboratory: A facility equipped for basic and applied research or experimental study, testing, or analysis in the natural sciences, including any educational activities associated with and accessory to such research, but not including a medical, dental, optical, or veterinary clinic, or a research facility located on the principal site of a health institution or university.

Residential use: Any detached, duplex, triplex, quadriplex, attached, or multifamily dwelling, manufactured home, mobile home, group home for up to six clients, limited residence boarding house, or dormitory.

Restaurant: A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

Retail establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer.

Riding Academy: A facility the principal use of which is the provision of lessons in horseback riding on a non-profit or for profit basis.

Roof Line: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to deck line of a mansard roof, or to the eaves of a gable, hip or gambrel roof.

SSSS

Sanitary Landfill: A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

Saw mill: A mechanized facility for cutting logs into timber for carpentry.

School: Publicly owned or privately owned preschools, elementary schools, middle schools, junior high schools, vocational schools and high schools; but not including institutions the primary function of which is child day care.

Screening: A fence, wall, hedge, landscaping, buffer area or any combination of these provided to create a visual separation between certain land uses. A screen may be located on the property line or elsewhere on the site, as determined by the use to be screened.

Septic Tank System: A ground absorption sewage disposal system consisting of a holding or settling tank and a ground absorption field.

Service Lane: A vehicular thoroughfare, such as a local street or driveway, that provides vehicular access similar to an alley.

Setback established: The distance between a street line and the front building line of a principal building or structure, as constructed, projected to the side lot lines. See also Yards.

Setback required: The minimum distance required by this ordinance or established by recorded plat between the street right-of-way line and the front building line of a principal building or structure, projected to the side lines of the lot. In the CB (central business) district, the setback is measured from the back of the curb to the building line. See also Yards.

Shrub: A woody, branching plant of relatively low height.

Shrub, Small: A shrub growing to less than 5 feet in height at maturity that is planted for ornamental purposes.

Shrub, Medium: A shrub growing 5 feet to 10 feet in height at maturity that is planted for ornamental or screening purposes.

Shrub, Large: An upright plant growing 10 feet to 20 feet in height at maturity that is planted for ornamental or screening purposes.

Sight Triangle: In Elon, the triangular area formed by a diagonal line connecting two points located on intersecting property lines (or a property line and the curb or a driveway), each point being 35 feet from the point of intersection. The North Carolina Department of Transportation sight triangle is different, with each point being 10 feet and 70 feet from the point of intersection.

Sign: Any object, device, structure, or part thereof, situated outdoors, 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 words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or of any fraternal, religious or civic organization; works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign Structure or Support: Any structure that supports or is capable of supporting a sign.

Sign Types: The following are types of signs included in this ordinance.

Banner: A sign intended to be hung, with message or symbol applied to plastic or fabric of any kind, but excluding flags or emblems of any nation, organization of nations, state, city, or any fraternal, religious, or civic organization.

Bulletin Board: A sign used to announce meetings or programs to beheld on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial place of public assembly.

Campaign or Election Sign: A sign that advertises a candidate or issue to be voted upon on a definite election day.

Canopy and Awning Signs. A sign attached to or painted or printed onto a canopy or awning. The permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

Construction Sign: A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

Directional or Instructional Sign: An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar direction or instruction, but not including any advertising message. The name 'or logo of the business or use to which the sign is giving direction may also be included on the sign.

Directory Sign: A sign which identifies multiple uses in a planned development on a single sign; may be used for shopping centers, shopping streets or arcades, office complexes, schools, churches, institutional or business campuses, and similar large complexes which have a variety of tenants and/or uses.

Electronic Message Board: A sign, or a portion of a sign, that displays an electronic image and/or video, which may or may not include text. Such signs include any sign, or a portion of a sign, that uses changing lights to form a sign message or messages or uses electronic means to change the sign message.

Ground Mounted Sign: A sign which extends from the ground or which has a support which places the bottom thereof less than 3 feet from the ground.

Flag: A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

Flashing Sign: A sign that uses an intermittent or flashing light source to attract attention.

Identification Sign: A sign which displays only the name, address, and/or crest, insignia, trademark, occupation or profession of an occupant, or the name of any building on the premises.

Incidental Sign: A sign used in conjunction with equipment or other functional elements of a use or operation. These will include, but not be limited to signs on automatic teller machines, gas pumps, or vending machines; or newspaper delivery boxes.

Memorial Sign or Plaque: A sign designating the name of a building and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface

Nonconforming Sign: Any sign which was lawfully erected in compliance with applicable Ordinance provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this ordinance.

Off-Premises Sign: A sign that directs attention to a business, commodity, or service, conducted, sold, or offered at a location other than the premises on which the sign is erected.

On-Premises Sign: A sign that directs attention to a business, commodity, or service, that is conducted, sold, or offered on the premises on which the sign is erected.

Outdoor Advertising Sign: A type of sign, generally, but not always, consisting of a rigidly assembled sign, display, or devise, usually free standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.

Portable or Movable Sign: A sign that is not permanently attached to the ground, a structure, or a building, and which can easily be moved from one location or another. For example, a sign on wheels.

Projecting Sign: A sign which is affixed to a building and supported only by the wall on which it is mounted; considered a wall sign for purposes of this ordinance.

Real Estate Sign: A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Roof Sign: A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

Temporary Sign: A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of tame as permitted in this ordinance.

Vehicular sign: Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this ordinance, vehicular signs will not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Wall Sign: Any sign directly attached to an exterior wall of a building or dependent upon a building for its support. Signs directly painted on walls will be considered wall signs.

Window Sign: Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of the building.

Site Plan: A diagram to scale showing the development plans for a project.

Sleeping Unit: A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

Small Maturing Tree: A tree whose height is less than 35 feet at maturity and meets the specifications of "American Standards for Nursery Stock "published by the American Association of Nurserymen.

Solar Energy System (SES) - the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. **Concentrated solar thermal systems are not included as part of this definition, and are prohibited within Elon's municipal limits and ETJ.** A system fits into one of four system types: Level 1 SES, Level 2 SES, Level 3, and Level 4 SES.

Solid Waste: Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

1. Fowl and animal fecal waste;
2. Solid or dissolved material in any of the following:
    a. Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,
    b. Irrigation return flows; or
    c. Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.)and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
3. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
4. Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E- 1 through 104E- 23); or
5. Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

Special Use Permit: A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards.

Stadium: A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

Storage, Outdoor:

1. All goods and materials not returned to an enclosed building at the end of each business day, regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot. (To be classified as goods for sale and therefore exempt from regulation as outdoor storage, items must be placed within an enclosed building at the end of each business day.)
2. Up to two storage trailers placed on a single lot or in conjunction with a single principal use;
3. All items awaiting or in process of repair except customary passenger vehicles awaiting repair which are not visibly damaged or are not used or intended to be used as "parts" vehicles; (rather than being considered outdoor storage, such vehicles may await repair in any conforming off-street parking lot associated with the principal use);
4. Vehicles with more than two axles, boats, manufactured homes, and trailers of tractor trailers awaiting or in process of repair;
5. Does not include construction equipment; where permitted, outdoor storage of construction equipment is regulated below.

Storm Drainage Design Manual: The most recent edition of the manual adopted by the Town Board of Aldermen setting forth standard details for the design and construction of stormwater management systems.

Story: That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine will be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse will be considered a story if it exceeds one-third of the area of the roof.

Street Line: The outer boundary of a street right-of-way.

Street Orientation: The direction of the architectural front facade of a building in relation to the street.

Street, Private: An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

Street, Public: A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Elon or the State of North Carolina.

Street Right-Of-Way: Street right-of-way will mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Elon or Alamance County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Elon; or has otherwise been established as a public street prior to the adoption of this ordinance.

Streets: Town street classification refers to the hierarchy of low speed, interconnected streets with buildings located close to sidewalks and street section which includes street tree planting and on both sides of the street. Specific street types are illustrated in the Streets and Greenways section of this ordinance and in the Downtown Elon Master Plan. The required street elements can be assembled in a variety of ways depending on the fronting uses and the function of the street. Streets meeting the Town of Elon standards are eligible for acceptance and maintenance

by the town as public streets. Alleys may be accepted for public maintenance only if they serve a public purpose.

Streetscape: The visual elements of a street, including the road, adjoining buildings, street furniture, trees and open space that combine to form the street's character.

Specialty Pavement: A type of Hardscape that accentuates a crosswalk, gateway, plaza, town commons, courtyard or other like type space.

Structure: Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. "Structure" also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, docks, mooring areas, and similar accessory construction.

Subdivider: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision: A subdivision will include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development of any type and also includes all divisions of land involving the dedication of a new street or a new street right-of-way or a change in existing streets; provided, however, that the following will not be included within this definition:

1. The combination or recombination of portions of parcels platted and recorded prior to the effective date of this ordinance, or portions of lots platted in compliance with this ordinance after its effective date, where the total number of lots is not increased and the resultant lots are equal to the standards of this ordinance and the appropriate planning area classification.
2. The division of land into parcels greater than 10 acres where street right-of-way dedication or reservation is not involved.
3. The creation of strips of land for the widening or opening of streets, sidewalks, or greenways, or the location of public utility rights-of- way.
4. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where street right-of-way dedication or reservation is not involved and where the resultant lots are equal to or exceed the standards of the appropriate planning area classification.
5. The division of land into plots or lots for use as a cemetery.
6. The creation of a separate lot or property interest by a less than fee simple instrument, such as a lease, when the property interest created is divided from the original parcel for less than 10 years including option to renew.
7. The division of a tract or parcel into separate tracts or parcels, or the creation of interest in lots or parcels, by means of (a) a deed of trust, mortgage, or similar security interest solely for the purpose of securing any bona fide obligation(including transfers of such parcels or tracts pursuant to foreclosure or deeds in lieu of foreclosure) and (b) releases from the liens and operation of such deeds of trust, mortgages, or similar security interests.
8. Proceedings to partition interests in lots or parcels pursuant to NCGS 46 (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this Ordinance.
9. The division of a tract or parcel of land resulting from condemnation or deed in lieu of condemnation by either a public or private condemner.

Subdivision, Major: All subdivisions associated with a non-residential development proposal, or involving the subdivision and development proposal of land into five (5) or more single-family residential lots.

Subdivision, Minor: Development proposal involving the subdivision of land into less than five (5) single-family residential lots, or a subdivision of land where no development of the land has yet been proposed.

Substantial Improvement: Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds 50 percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to there pair or reconstruction. "Substantial improvement will not include, however,- any repair or improvement required to bring the structure into compliance with existing state or Town health, sanitary, safety, or building code specifications necessary to ensure safe habitation of the structure.

TTTT

Temporary Storage Container: A transportable unit designed and used primarily for temporary storage of household goods, commodities, building materials, and other items on a limited basis. Temporary storage containers are not intended to be used for long-term on-site storage and any such long-term use in any planning district is expressly prohibited.

Temporary Structure: A building placed on a lot for a specific purpose which is to be removed within a specified time period Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers, and produce stands.

Terminated Street Vista: A view framed by buildings at the termination of the axis of a street or other thoroughfare.

Thoroughfare: Any street on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan.

Thoroughfare Plan: The most recent map adopted by the Elon Town Board of Aldermen and Burlington-Graham Metropolitan Planning Organization which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.
Town Attorney: The attorney for the Town of Elon, duly retained by the Board of Aldermen of the Town of Elon.

Town Commons: A public space within which pedestrians gather for passive recreation, special events, civic events, or other Downtown celebrations.

Town Manager: The Town Manager of the Town of Elon.

Traditional Building Façade Line: The Building Façade Line as shown for new and renovation buildings in the Downtown Elon Master plan, that is intended to form a Build-To Line.

Traditional Neighborhood: A traditional neighborhood incorporates design principles that produce compact, mixed use, pedestrian scaled communities. The following conventions are generally employed in the design of traditional neighborhoods.

1. The neighborhood is limited in area to that which can be traversed in a 10 to 15 minute walk from the core area of the neighborhood.
2. Residences, shops, workplaces, and civic buildings are located in close proximity to one another.
3. A well-defined system of interconnected streets and blocks serving the needs of the pedestrian and the vehicle equally, providing multiple routes to all parts of the neighborhood.
4. Physically defined open spaces in the form of town commons, plazas, squares, and parks, in addition to finely detailed public streets, provide places for formal and informal social activity, recreation, and public gathering areas.
5. Private buildings form a clear edge, delineating the private from the public realm.
6. Civic buildings reinforce the identity of the neighborhood, providing places of assembly for social, cultural, and community activities.

Traditional neighborhoods pursue certain objectives through their design.

1. Independence of movement for the elderly and young by offering many activities of daily living within walking distance.
2. Reduced traffic congestion and road construction costs by reducing number and length of vehicle trips.
3. Use or preparation for future use of alternative forms of transportation by offering appropriate building densities.
4. Improved security of public spaces organized to stimulate informal surveillance by residents and business operators.
5. Enhanced sense of community and improved security through provision of a range of housing types and workplaces in proximity to one another.
6. Accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

Transit Shelter: A covered structure at a transit stop.

Transitional Setback or Yard: That area, if any, along a thoroughfare, which lies between (a) the minimum setback or yard line for the planning area measured from the existing street right-of-way line and (b) the minimum setback or yard line measured from the Proposed Right-of-Way Line. There will be no transitional setback or yard when the existing street right-of-way and the proposed right-of-way line are the same.

Transitional use: A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

Tree, Canopy: Any large maturing tree which at maturity provides a crown width sufficient to shade a minimum of 1,200 square feet.

Tree, Large Maturing: A tree, usually deciduous, whose height is greater than 35 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen, that is planted to provide canopy cover shade. In the case of tree removal permits, the minimum size is 12” DBH. See also canopy tree.

Tree, Small Maturing: A small to medium tree, growing 15 feet to 40 feet in height at maturity, that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage. In the case of tree removal permits, the minimum size is 8" DBH.

Tree, Specimen: A tree that is unusually large or well shaped or provides a focal point or point of interest.

Tree, Street : A tree planted along the street within the right-of-way except along the park side of the parkway, a rural road or alley.

Tree Topping: An unacceptable method of pruning which involves the cutting of limbs back to a stub, bud, or a lateral branch not large enough to assume the terminal role and cause decay and spout production from the cut ends, resulting in a potentially hazardous situation.

UUUU

Unified Commercial Development: A commercial development containing three (3) or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following: 1) common driveways, 2) common parking, 3) common signage plan, and 4) common landscaping plan. Examples are shopping centers and office parks having the characteristics listed above. Such integrated developments may include out-parcels for lease or for sale. Any such integrated development may be organized as an association, with ownership parcels beneath the building units and with parking and driveways being in common area owned and maintained by an Owners' Association.

University, college, and junior college: A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level.

VVVV

Vested right: The right to undertake and/or complete a development and use of property under the terms and conditions of a local government-approved site plan.
Vines: A woody plant that has a spreading pattern of growth. Vines may be used on the ground, on walls and on trellises.

Vocational School: A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, computers, or similar skills.

WWWW

Warehousing: The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

Wastewater Treatment Facility:A facility operated by a licensed utility, in compliance with all applicable state, county, and town regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

Watershed: The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.

Wholesale Establishment: A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Working Day: Any day on which the offices of the Town of Elon are officially open, not including Saturdays, Sundays, and other holidays designated by the Town Board of Aldermen.

YYYY

Yard, rear, required: When required by this ordinance or established through recorded plat, a minimum distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which the building or structure is located.

Yard, rear, established: The distance between the rear of a principal building or structure and the lot line farthest from the street fronting the lot, projected to the side lines of the lot on which tine' building or structure is located.

Yard, side, required: When required by this ordinance or established by recorded plat, a minimum distance between the side lot line and the side building line, extending from the established setback to the required rear yard. For buildings not set back from the street right-of-way, the side yard will be defined as extending from the street line to the required rear yard.

Yard, side, established: The distance between the side lot line and the side building line, extending from the established setback to the established rear yard. For buildings not set back from the street right-of-way, the side yard will be defined as extending from the street line to the established rear yard.

ZZZZ

Zero lot line: The location of a building on a lot in such a manner that one of the building's sides rests directly on a lot line; also referred to as a side yard house.

Solar Energy Systems Appendices

APPENDIX A: Landowner Guidance

There are many aspects of solar energy system development that impact the land, the landowner, the community, and the solar owner that are not regulated by the local government, or other regulatory bodies.
Below is a list of issues developed in early 2013 in consultation with staff at the State Energy Office, the NC Solar Center, and the NC Attorney General's office to help identify *some* issues landowners should investigate when considering a lease offered for land used for a solar farm (the list is not meant to be a comprehensive list of all issues). It is recommended that landowners complete item #1 - get a land-lease lawyer.

1. It is highly recommended that you retain a lawyer with land lease experience to help you evaluate a lease. You can reach the NC Bar Association at 1-800-662-7660 and they can give you a list of lawyers in your area.
2. An option or feasibility period may be proposed by a developer while they are investigating whether a parcel of land is appropriate for a project – before they offer a long term lease. This is a due diligence period a developer will use to examine if the right conditions exist for a solar farm and possibly to secure agreements for the sale of power from the project.
3. Make sure conservation easement conditions or agricultural designation for tax purposes are consistent with the new lease. Taking land out of agricultural designation may result in additional taxes owed. The contract should state who is responsible for increased taxes due to the Solar Energy System development.
4. Evaluate any potential conflicts that the solar lease may have w/ any existing mortgage terms.
5. Evaluate any potential conflicts that the solar lease may have w/ any existing land use agreements, such as easements or an enhanced farm district.(A title search may be used to identify potential conflicts)
6. Make sure there is compensation for timber removal (if appropriate).
7. Make sure all conditions of a lease or options in advance of a lease are received in writing.
8. Have detailed decommissioning (removal) and restoration terms for the solar equipment at the end of lease so the land can be used for other purposes.
9. The developer should be responsible for managing storm water on the site. The installation of the arrays will impact storm water on the site and may require changes to storm water management or increase maintenance of storm water system (i.e. erosion control and keeping drainage ditches/pipes free flowing).
10. Make sure the lease identifies all work to be done and exact locations for equipment, also make sure there is proper notification of landowner in advance of any work to be done.
11. Take time to review lease documents before signing them.
12. It may be useful to check w/ neighbors to assess compensation rates being offered for land leases in your area.

APPENDIX B: Decommissioning Plan

Decommission Plan for:_____ Date: _____
Prepared and Submitted by: _____

As required by the Town of Elon as a condition of the Special Use Permitted, _____presents this decommissioning plan.

Decommissioning will occur as a result of any of the following conditions:

1. The land lease ends
2. The system does not produce power for 12 months
3. The system is damaged and will not be repaired or replaced

The operator of the facility will do the following as a minimum to decommission the project.

1. Remove all non-utility owned equipment, conduits, structures, fencing, and foundations to a depth of at least three feet below grade.
2. Remove all graveled areas and access roads unless the owner of the leased real estate requests in writing for it to stay in place.
3. Restore the land to its condition before SES development, including replacement of top soil removed or eroded.
4. Revegetate any cleared areas with warm season grasses that are native to the region (Piedmont, region), unless requested in writing by the owner of the real estate to not revegetate due to plans for agricultural planting.

All said removal and decommissioning shall occur within 12 months of the facility ceasing to produces power for sale.

The operator of the SES is responsible for this decommissioning. Nothing in this plan relieves any obligation that the real estate property owner may have to remove the facility as outlined in the Special Use Permit in the event the operator of the farm does not fulfill this obligation.

The operator of the SES or the property owner will provide Town of Elon Planning Department and the Register of Deeds with an updated signed decommissioning plan within 30 days of change of Solar Energy System operator.

The land lease project specifies that the current operator of the farm will decommission the SES, specifically the lease states "*placeholder for language from the lease stating the decommissioning responsibility of the project operator*".

This plan may be modified from time to time with Town of Elon Planning staff approval. Any updates will be submitted to the Register of Deeds by the party responsible for decommissioning.

SES Operator Signature: _____ Date: _____

Landowner (if different from Operator) Signature: _____ Date: _____