# Unified Development Ordinance

**Adopted (DATE)**

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# Town of Siler City Unified Development Ordinance
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## CHAPTER 1: GENERAL PROVISIONS

### 1.1 Short Title

This Ordinance shall be known and may be cited as the Siler City Unified Development Ordinance and may be referred to as "this Ordinance" as well as several abbreviated references, including "the UDO" or "this UDO."

### 1.2 Authority

This Ordinance is adopted pursuant to Chapter 160D of the North Carolina General Statutes.

Whenever any provision of this Ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section.

### 1.3 Effect on Prior Laws

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition or adopted version of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

### 1.4 Jurisdiction

The provisions of this Ordinance shall apply to all the territory encompassed by the Town of Siler City, and its planning and development regulation jurisdiction as depicted on the Town's Official Zoning Map on file at the Siler City Town Hall. This map is hereby incorporated and made a part of this Ordinance. This Ordinance shall govern the development and use of all land and structures within the Town as provided for by Chapter 160D, except for bona fide farms within extraterritorial jurisdiction in accordance with G.S.160D-903, Local Planning and Development Regulation, of the North Carolina General Statutes.

Split jurisdiction decisions shall be made in accordance with G.S. 160D-203. Decisions for property with pending jurisdiction changes shall be made in accordance with G.S. 160D-204.

### 1.5 Effective Date

This Ordinance shall be in full force and effect on (DATE), and shall repeal and replace the Town of Siler City Unified Development Ordinance, as originally adopted on August 1, 1993, and most recently amended on January 21, 2021

### 1.6 Relationship to Existing Zoning and Subdivision Ordinances

To the extent that the provisions of this Ordinance are the same in substance as the previously adopted provisions that they replace in town's zoning or subdivision ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically stated. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted zoning ordinance shall not achieve lawful nonconforming status under this Ordinance merely by the repeal of the previous zoning ordinance.

### 1.7 Adopted Plans and Studies

**A.** Pursuant to G.S. 160D-501, the adopted Town of Siler City Comprehensive Land Use Plan, which shall be referred to herein as The Plan, shall be used as a condition of adopting and applying zoning regulations and shall be reasonably maintained in accordance with State Statute.

**B.** The Town may prepare and adopt other plans as deemed appropriate. Other plans may include, but shall not be limited to, land use plans, small area plans, neighborhood plans, hazard mitigation plans, transportation plans, housing plans, and recreation and open space plans. Such plans shall

be considered in review of proposed zoning amendments and development decisions based on the regulations in this Ordinance.

**C.** Plans shall be adopted by the Town Board of Commissioners with the advice and consultation of the Planning Board, following the process for zoning text amendments in Subsection 4.2. (Map and Text Amendments). Plans shall be advisory in nature without independent regulatory effect and do not expand, diminish, or alter the scope of authority for development regulations adopted relative to the plans. The Town may undertake planning activities in coordination with other governments, state agencies, or regional agencies pursuant to G.S. 160D-503.

## 1.8 Conformity with Ordinance Provisions

**A.** No building or structure, or portion thereof, shall be erected, used, occupied, maintained, moved, or altered except in conformity with the applicable regulations in this Ordinance, Chapter 11 (Water Management), and all other applicable Town, State, and federal regulations.

**B.** No land or use thereof including clearing, grading, filling, or excavation, shall hereafter be established, located, subdivided, extended, converted, altered, developed, or disturbed in any way without full compliance with the terms of this Ordinance, Chapter 11 (Water Management), and other applicable law.

**C.** No land area or other required space counted as part of a required yard, setback, lot area, parking area, or similar feature of one lot may be counted towards the requirements of another lot.

**D.** No lots in a subdivision may be sold, and titles to land may not be transferred, until all the requirements of this Ordinance have been met, except as authorized by Section 160D-807 of the North Carolina General Statutes.

**E.** Unless exempted in accordance with Section 8.1 (Subdivisions Generally) or Section 160D-802 of the North Carolina General Statutes, the standards and requirements of this Ordinance applicable to subdivisions of land shall apply to the subdivision or re-subdivision of land within a bona fide farm or on land occupied by agricultural activities.

**F.** Conformity With Required Site Improvements. Certificates of Occupancy may be issued, and buildings occupied, only when all of the improvements required by this UDO and Chapter 11 (Water Management) are met and approved. Examples of required improvements include:

**1.** Under normal weather conditions, streets must be passable for private, service, and emergency vehicles.

**2.** Driveways must be passable under normal weather conditions.

**3.** Adequate drainage must be installed and operative to ensure that there will be no flooding of the building site or access ways to the site under normal weather conditions.

**4.** Erosion control measures must be in place in accordance with approved DEQ plans when required.

**5.** Domestic or public water supply and sanitary sewerage or septic tank must be installed and operative.

**6.** No permits or certificates shall be issued unless all remaining required improvements are covered by a performance guarantee and the applicant accepts tort liability pending completion of all required improvements.

## 1.9 Severability

**A.** It is hereby declared to be the intention of the Town Board of Commissioners that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionally or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance since the same would have been enacted without the incorporation into this Ordinance of such unconstitutional or invalid section, paragraph sentence clause or phrase.

**B.** This invalidation of the application of any provision of this Ordinance to any particular property or structure, or to any particular properties or structures, by any court of competent jurisdiction, shall not affect the application of the provision to any other property or structure not specifically included in the invalidation.

**C.** When an administrative officer or board authorizes regulatory action, it shall be conclusively presumed that the officer or board would not have authorized the action except in the belief that the action was lawful.

## 1.10 Rules of Construction

### 1.10.1 Usage

**A.** Mandatory and Discretionary Terms. The words “shall,” “must,” and “will” are mandatory in nature, establishing an obligation or duty to comply with the particular provision and are not merely suggestive. The words “may,” “can,” and “should” are permissive in nature. The word *use* includes designed for use.

**B.** Conjunctions. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word “and” indicates that all connected items, conditions, provisions, or events apply. The word “or” indicates that one or more of the connected items, conditions, provisions, or events apply.

**C.** Tense, Plurals, and Gender. When used in this Ordinance, words used in the present tense include the future tense as well as the past or present. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

### 1.10.2 Meaning of Words, Phrases, and Illustrations

**A.** Unless otherwise specifically indicated, lists of items or examples that use terms like “for example,” “including,” and “such as,” or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

**B.** Whenever a provision of this Ordinance requires or authorizes an officer or employee of the Town to do a particular act or perform a particular duty, the officer or employee may designate,

delegate, or authorize subordinates to perform the act or duty unless the terms of the provision specifically provide otherwise.

**C.** "Structure" shall include the word "building"

**D.** The word "lot" shall include the words, "plot," "parcel," or "tract."

**E.** Whenever certain hours are named, they shall mean standard time or daylight savings time as may be in current use by the Town. The term "day" means a calendar day, or any day during a week, including business days and weekend days. The term "holiday" means a legal holiday recognized by the Town. The term "week" means five business days and two weekend days. Weeks commence on a Monday. The term "month" means a calendar month. The term "year" means a calendar year.

**F.** The term "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in like cases the terms "swear" and "sworn" shall be equivalent to the terms "affirm" and "affirmed."

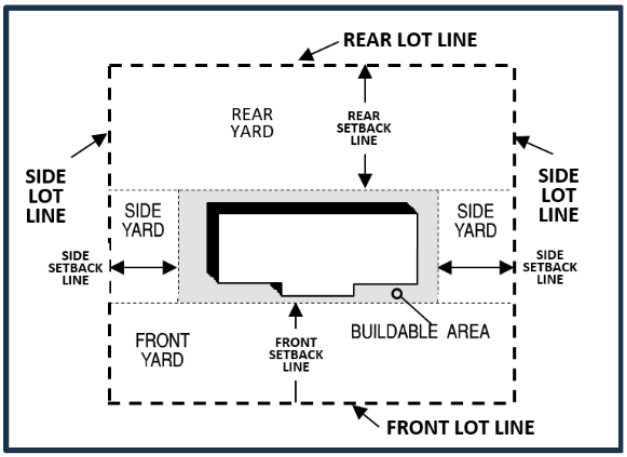
**G.** Illustrations and graphics are only provided for the informational purposes of describing, clarifying, or providing examples of the provisions in the text. Illustrations and graphics do not replace or limit the meaning of the text, nor should they be relied upon as a complete and accurate description of all applicable regulations or requirements.

### 1.10.3 Measurements and Computation

**A.** Lot Area. Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot or site.

**B.** Corner Lots. The determination of front, side, and rear lot lines for corner lots shall be made by the Planning Director or designee. The Zoning Administrator or designee shall consult with the property owner at the time of application for a building or zoning permit.

**C.** Determining Building Setbacks and Lot Line Orientation. Building setbacks shall be measured from either the existing right-of-way, or the proposed right-of-way within a corridor or highway on a plan established and adopted pursuant to State law, whichever is more restrictive. Conventions for determining the location of front, side, and rear yard building lot lines and setbacks are illustrated in the figure below.



**D.** Calculation of Density. The maximum number of allowable residential lots or dwelling units for any district with a density restriction shall be determined by calculating the gross acreage of the tract minus road right of way and dividing the remaining acreage by the allowable density and round up if the resulting number has a fraction greater than 0.5.

**E.** Computation of Time. Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, the day shall be excluded. When the period of time prescribed is less than seven days intermediate Saturdays, Sundays, and holidays shall be excluded.

## 1.11 Conflicting Provisions

### 1.11.1 Conflict of Laws

Conflicts with other Town laws, State laws, or between standards in this Ordinance shall be addressed in accordance with the following:

**A.** Conflict with Other Laws and Agreements

1. If a provision of this Ordinance is inconsistent with State or federal law, with another provision found in other adopted ordinances of the Town, or with private agreements, covenants, or deed restrictions established after (CURRENT EFFECTIVE DATE), the more restrictive provision controls, to the extent permitted by law.

2. This Ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern. Nothing in this Ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this Ordinance. In no case shall the Town of Siler City be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

**B.** Conflict with Conditions of Approval. In cases where the standards in this Ordinance conflict with an authorized and legally established condition of approval that has not expired, the condition of approval shall control.

### 1.11.2 Conflict between Standards in this Ordinance

When two or more standards in this Ordinance conflict with one another, the more restrictive standard shall control. The more restrictive provision is the one that imposes greater restrictions, burdens, or more stringent controls unless one of the following cases is applicable:

**A.** When a specific section of these regulations gives a different meaning than the general definition provided in Chapter 10 (Definitions), the specific section's meaning and application of the term shall control. Terms that are not defined are subject to their common or customary meaning.

**B.** In the event of a conflict or inconsistency between the text of this Ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

**C.** In cases where one requirement of this Ordinance such as a zoning district standard, conflicts with an otherwise applicable standard associated with an overlay zoning district, the overlay zoning district standard shall prevail even if it is not the most restrictive standard.

**D.** In cases where land is located within two or more different overlay zoning districts and the standards between the overlay districts conflict, the standards applied by State or federal requirements shall control.

**E.** In cases where a zoning district standard from Chapter 5 (Zoning), conflicts with a development standard in Chapter 6 (Development Standards Applicable to all Uses), the provisions in Chapter 5 shall control.

### 1.11.3 Authorized Deviations or Incentives

Authorized deviations, such as an approved administrative adjustment or density incentives that are authorized by and established in accordance with this Ordinance shall control and not be considered to conflict with other more restrictive standards in this Ordinance.

## 1.12 Statute of Limitations.

Except as provided by G.S. 160D-1405, the statutes of limitations are as provided in Subchapter II of Chapter 1 of the North Carolina General Statutes.

## CHAPTER 2: ADMINISTRATION

### 2.1 Authorities Identified

The following review authorities shall have powers and responsibilities for administering this Ordinance, especially with regard to procedures related to development application review and decision:

**A.** The Town Board of Commissioners;

**B.** The Planning Board;

**C.** The Board of Adjustment;

**D.** The Technical Review Committee;

**E.** The Zoning Administrator

### 2.2 General Provisions Applicable to all Authorities

**A.** Meetings

**1.** All meetings of elected or appointed bodies under this Ordinance shall be open to the public in accordance with Section 143-318 of the North Carolina General Statutes (Rules governing Meetings of Public Bodies) and shall be conducted in accordance with the procedures set forth in these regulations, the Town Code of Ordinances, adopted policy guidance, and rules of procedure adopted by the respective review authorities.

**2.** Accurate minutes shall be kept of all elected or appointed Board proceedings.

**3.** A roll call vote shall be taken at the request of any member.

**4.** Wherever feasible, the agenda for the meeting shall be made available for public inspection prior to the meeting.

**B.** Rules of Procedure. All review authorities identified in this Section may adopt formal rules of procedure consistent with the level of decision-making delegated to that authority. Adopted rules of procedure shall be kept on file, made available on the Town's webpage or be available for public inspection, and shall be maintained by the designated staff to the review authority.

**C.** Oath of Office. All review authority members who review and decide applications under this Ordinance shall be administered the oath of office prior to commencing their duties in accordance with Article 6, Section 7 of the North Carolina Constitution by a person authorized to administer the oath. The Town Clerk shall maintain a record of the oath's administration.

**D.** Conflicts of Interest

**1.** Board Appointed Administrative and Legislative Conflicts of Interest

**a.** Appointed or elected authorities administering the provisions of this Ordinance shall not vote on any administrative or legislative decision regarding a development regulation adopted pursuant to G.S. 160D where the outcome of

the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

**b.** A Town board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

**2.** Staff Conflicts of Interest.

**a.** No staff member or committee member shall make a final decision on an administrative decision required by G.S. 160D 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 under this Section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

**b.** No staff member or committee member shall be financially interested in or employed by a business that is financially interested in a development subject to regulation under G.S. 160D 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 a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

**3.** Quasi-Judicial Conflicts of Interest. A member of any board exercising quasi-judicial functions pursuant to G.S. 160D shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker.

Impermissible 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.

**4.** Recusal. If a conflict of interest exists, then a review authority member shall recuse themselves from participating in and voting on an application.
If an objection is raised to a member's participation and that member does not recuse himself or herself, then the remaining members shall, by majority vote, rule on the objection.

## 2.3 Town Board of Commissioners

The Town Board of Commissioners is the elected body of the Town of Siler City, North Carolina.

### 2.3.1 In General

**A.** In considering proposed changes in the text of this Ordinance or the zoning map (including conditional zoning requests), the Town Board shall act in its legislative capacity and must proceed

in accordance with the requirements of Section 4.2. (Map and Text Amendments)

**B.** Unless otherwise specifically provided in this Ordinance, in acting upon conditional zoning requests or in considering amendments to this Ordinance or the zoning map, the Town Board shall follow the regular voting procedures, and other requirements as set forth in the Town code, the Town charter or general law.

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

### 2.3.2 Powers and Duties

**A.** The Town Board of Commissioners shall have the power to initiate, review, and decide applications for:

**1.** Annexation;

**2.** Conditional rezoning;

**3.** Development agreements;

**4.** Fee-in-lieu requests;

**5.** Planned unit developments;

**6.** Rezonings;

**7.** Text amendments; and

**8.** Vested rights certificates.

**B.** The Town Board of Commissioners shall have the following other powers and duties:

**1.** To approve, by resolution, a schedule of fees governing:

**a.** Applications for permits and other development approval reviews under this Ordinance; and

**b.** Civil penalties for violations of this Ordinance.

**2.** To take any other action not delegated to other review authorities, as the Town Board of Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

**3.** To conduct any and all business in accordance with the Town Charter and North Carolina General Statutes;

**4.** To amend the Comprehensive Plan and other adopted policy guidance documents as necessary; and

**5.** To appoint or remove members of the Planning Board or Board of Adjustment who reside

in the Town.

## 2.4 Planning Board

### 2.4.1 Appointments and Terms of Planning Board Members

**A.** Appointments. There shall be a Planning Board consisting of seven (7) members. Four (4) members, appointed by the Board of Town Commissioners, shall reside within the Town. Three (3) members shall reside within the Town's Extraterritorial Planning Jurisdiction (ETJ).

**B.** Membership

**1.** Members may be appointed to serve only four (4) successive or nonconsecutive three (3) year terms.

**2.** Planning Board members may be removed by the Town Board at any time for failure to attend three consecutive meetings within any 12-month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal, the Town Board shall hold a hearing on the removal before it becomes effective.

**3.** If an in-town member moves outside the town or if an extraterritorial area member moves outside the planning jurisdiction, such move shall constitute a resignation from the Planning Board, effective upon the date a replacement is appointed by the Town Board.

**4.** All members appointed to the Planning Board under Article 3 of G.S. 160D shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and 160A- 61.

**C.** Extraterritorial Representation

**1.** Three (3) of the seven (7) members of the Board shall be residents of the extraterritorial planning and development regulation area. These members shall be appointed as extraterritorial representatives for the Planning Board.

**2.** The extraterritorial representatives shall be appointed by the Board of County Commissioners with jurisdiction over the area. No power available to the T own under G . S . 160D shall be ineffective in its extraterritorial area solely because County appointments have not yet been made. If there is an insufficient number of qualified residents of the extraterritorial area to meet membership requirements, the Board of County Commissioners may appoint as many other residents of the county as necessary to make up the requisite number. If the Board of County Commissioners fails to make the appointment within ninety (90) days after receiving a resolution from the Board of Town Commissioners requesting that they be made, the Board of Town Commissioners may make said appointment.

**3.** The representatives appointed from the extraterritorial jurisdiction shall have equal rights, privileges, and duties as the other members of the Planning Board, regardless of whether the matters at issue arise within the Town or within the extraterritorial area.

**D.** Planning Board Officers

**1.** At its meeting in July of each year, the Planning Board shall, by majority vote of its membership (excluding vacant seats) elect one of its members to serve as chairman and preside over the Board's meetings and one member to serve as vice-chairman. The members so designated shall serve in these capacities for terms of one year. Vacancies in these offices may be filled for the unexpired terms only by majority vote of the Board membership (excluding vacant seats)

**2.** The chairman and vice-chairman shall take part in all deliberations and vote on all issues.

### 2.4.2 Meetings of the Planning Board

**A.** The Planning Board shall meet regularly on the Second Monday of each month and take actions in conformity with Chapter 4 (Procedures).

**B.** The Planning Board shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

**C.** Quorum and Voting

**1.** A quorum for the purpose of convening the Planning Board for any official action shall consist of a minimum of four (4) members.

**2.** All actions of the Planning Board shall be taken by majority vote, a quorum being present.

**3.** A roll call vote shall be taken at the request of any member.

**4.** Extraterritorial planning area members may vote on all matters considered by the Board, regardless of whether the property affected lies within or without the Town

### 2.4.3 Powers and Duties of the Planning Board

The Planning Board shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

**A.** The Planning Board shall review and make recommendations on the following applications:

**1.** Rezonings

**2.** Development agreements;

**3.** Planned unit developments;

**4.** Text amendments

**B.** The Planning Board may:

**1.** Recommend to the Town Board plans, goals, and objectives relating to the growth, development, and redevelopment of the Town and the surrounding extraterritorial planning area.

**2.** Recommend to the Town Board policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.

**3.** Review and recommend to the Town Board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis.

**4.** Facilitate and coordinate citizen engagement and participation in the planning process.

**5.** Advise and make recommendations to the Board of County Commissioners concerning the implementation of plans, and review and comment on zoning text and map amendments, as required by G.S. 160D-604.

**6.** Perform any other related duties assigned by the Town Board.

## 2.5 Board of Adjustment

### 2.5.1 Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have the following powers and duties, to be carried out in accordance with the terms of this Ordinance:

**A.** The Board of Adjustment shall render final decisions regarding the following applications:

**1.** Appeals of administrative decisions;

**2.** Reasonable accommodations;

**3.** Variances.

**B.** The Board of Adjustment shall exercise other powers and authority provided to it by the Town Board of Commissioners, this Ordinance, or State law.

### 2.5.2 Appointments and Terms of the Board of Adjustment

The members of the Planning Board shall serve as the Town Board of Adjustment Therefore, the appointment, term, and officers of the Board of Adjustment shall be identical to that of the Planning Board.

### 2.5.3 Meetings of the Board of Adjustment

**A.** The Board of Adjustment shall meet regularly on the second Monday of each month

**B.** The Board, in considering appeals, special use permits, and variance applications, shall act in a quasi-judicial capacity and shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Chapter 4 (Procedures).

**C.** Quorum and Voting

**1.** A quorum for the purpose of convening the Board of Adjustment to take action on a variance shall consist of a number of members equal to four-fifths of the regular Board

membership excluding vacant seats. A quorum for the purpose of convening the Board of Adjustment to take any other action shall consist of a simple majority.

**2.** Extraterritorial planning area members may vote on all matters considered by the Board, regardless of whether the property affected lies within or without the Town.

**3.** The concurring vote of four-fifths (4/5) of the regular Board membership (excluding vacant seats) shall be necessary to grant a variance. A simple majority of the regular Board membership (excluding vacant seats) shall be necessary to decide any other quasi-judicial matter (special use permit and appeals) or to determine an appeal in the nature of certiorari. All other actions of the Board shall be taken by majority vote, a quorum being present. For purposes of this Subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

Once a member is physically present at a Board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with Subsection 2.2.D. (Conflicts of Interest)

## 2.6 Technical Review Committee (TRC)

**A.** Establishment and Purpose. There shall be and is hereby created a Siler City Technical Review Committee (TRC) to assist the staff, Planning Board, and Town Board of Commissioners in the review of plans related to development applications. The purpose of the TRC shall be to determine whether or not proposed developments meet the standards established in this Ordinance and all other applicable regulations within the Town of Siler City and the State of North Carolina, and to provide guidance on how to provide for the betterment of public safety and welfare. All plans associated with applications that require review from the Planning Board and/or Board of Commissioners shall first be reviewed by the TRC.

**B.** Membership and Meetings

**1.** TRC Membership. The Planning and Community Development Director may appoint members to represent the TRC from the following organizations and departments as appropriate:

**a.** NCDOT: The District Highway Engineer as to proposed state streets, state highways, and related drainage systems.

**b.** The Chatham County Health Director or local public utility, as appropriate, as to proposed water or sewerage systems.

**c.** The Chatham County Fire Marshal.

**d.** Local emergency services providers such as police and fire;

**e.** The Public Works Director;

**f.** The Chief Building Inspector;

**g.** An appropriate representative of TriRiver Water.

**h.** Any other agency or official designated by the Town Board of Commissioners.

**2.** TRC Chair. The Planning and Community Development Director or their appointee shall serve as chair of the TRC. A secretary shall be appointed to compile notes on all projects reviewed by the TRC.

**3.** TRC Meetings. The TRC shall meet as necessary to review applications submitted to the Planning Department. After receipt of a development proposal, the TRC shall complete its review within 30 days. Pursuant to G.S. 160D-308, the Technical Review Committee shall keep minutes of its proceedings.

**C.** Powers and Duties. The Siler City Technical Review Committee shall be responsible for carrying out certain powers and duties in accordance with this Ordinance, which include the following:

**1.** To review, consider, and approve as appropriate: commercial, industrial, and multi-family site plans for development within the Town and its zoning limits.

**2.** To review and consider site plans submitted with applications for special use permits and conditional zoning.

**3.** To review and consider preliminary plats for major subdivision pursuant to G.S. 160D-803(c).

**4.** To review and consider site plans for uses permitted by right pursuant to the permitted use tables of Chapter 7 (Tables 7.6, 7.7, and 7.8).

**5.** To review and consider other maps, studies, and plans as requested by the Planning and Community Development Director.

Failure of the members of the TRC to submit comments and recommendations related to these duties shall not delay action within the prescribed time limits for subdivision or site plan approval.

**D.** Voting. All decisions and recommendations of the TRC shall be made by majority vote. In the event of a tie, the Chair shall have the final and deciding vote.

**E.** Appeal. Appeals to decisions of the TRC shall be made to the Town Board of Commissioners after review and recommendation from the Planning Board, provided the appeal is made by the applicant within thirty (30) days of the decision.

## 2.7 Zoning Administrator

**A.** Except as otherwise specifically provided, the primary responsibility for administering and enforcing this Ordinance shall be assigned by the Town manager to the person or persons referred to in this Ordinance as the "Zoning Administrator." The Planning and Community Development Director shall be appointed as the Zoning Administrator for the purposes of administering and enforcing this Ordinance. The Planning and Community Development Director may also be referred to in this Ordinance as the "Planning Director."

**B.** Water Management. The Zoning Administrator shall also be appointed as the Floodplain Manager, Stormwater Administrator, and Watershed Administrator. The Zoning Administrator or their appointee shall perform those duties enumerated within Chapter 11 (Water Management).

**C.** Powers and Duties. The Zoning Administrator or their designee shall have the following powers and duties:

**1.** Reviewing and approving:

**a.** Zoning Permits;

**b.** Minor Site Plans;

**c.** Preliminary plats for minor subdivisions;

**d.** Final plats for minor and major subdivisions;

**2.** Reviewing and making recommendations on:

**a.** major site plans;

**b.** major preliminary plats;

**c.** Concept plans and master plans for rezoning applications.

**3.** Determining whether applications for development approvals are complete;

**4.** Making decisions and determinations regarding development regulation implementation;

**5.** Drafting and implementing plans and development regulations to be adopted pursuant to G.S. 160D;

**6.** Conducting zoning inspections in accordance with Subsection 4.8.C.;

**7.** Enforcing development regulations;

**8.** Keeping adequate records; and

**9.** Any other actions that may be required in order to adequately enforce the laws and development regulations under their jurisdiction.

**D.** Staff members designated to enforce development regulations shall take an oath of office.

**E.** Alternative staff arrangements. The Town may contract with an individual, company, council of governments, regional planning agency, metropolitan planning organization, or rural planning agency to designate an individual who is not a Town employee to work under the supervision of the Town to exercise the functions authorized by this Section. The Town shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of the Town as it does for an individual who is an employee of the Town. The company or individual with whom the Town contracts shall have errors and omissions and other insurance coverage acceptable to the Town.

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## CHAPTER 3: ENFORCEMENT

### 3.1 Purpose

This Chapter establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this Section are intended to encourage the voluntary correction of violations, where possible.

### 3.2 Applicability

The provisions of this Chapter shall apply to all land, buildings, structures, and uses located within the corporate limits and the extraterritorial zoning jurisdiction of the Town of Siler City, North Carolina. Any building or structure that is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used or developed in violation of this Ordinance or of any development regulation or other regulation made under authority of G.S. 160D within the zoning jurisdiction of the Town of Siler City is subject to the enforcement provisions of this Ordinance.

### 3.3 Violations Enumerated

Violations of the provisions of any development regulation or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with any development approval, shall be subject to the penalties and enforcement provisions of this Chapter. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions in progress at the time of Ordinance adoption.

**A.** Types of Violations. Any of the following shall constitute a violation of this Ordinance and shall be subject to the remedies and penalties provided by this Ordinance and by State law:

**1.** Development Without Authorization. Engaging in any development, use, construction, land disturbance, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this Ordinance without all required plans, permits, certificates, or other forms of authorization as set forth in this Ordinance;

**2.** Development Inconsistent with Authorization. Engaging in any development, use, construction, land disturbance, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity;

**3.** Violation by Act or Omission. Violating, by act or omission, any term, variance, modification, adjustment, condition, or qualification placed upon any required plan, permit, certificate, or other form of authorization for the development, use, construction, land disturbance, or other activity upon land or improvements thereon;

**4.** Use in Violation. Erecting, constructing, altering, repairing, maintaining, or using any building or structure, or use of any land in violation of this Ordinance or any regulation made under the authority conferred thereby;

**5.** Subdivision in Violation. Subdividing land in violation of this Ordinance, or transferring land by reference to a plat or map showing a subdivision of land before the plat or map has been properly approved under this Ordinance and recorded in the office of the Chatham County Register of Deeds; and

**B.** In no instance shall a review authority condition the approval of any permit, certificate, or other

application approval for one property in order to address a violation or outstanding enforcement action on a different property under common ownership.

**C.** Conditional Approvals. A review authority may place a condition that any existing violation or outstanding enforcement action for a property must be resolved by any of the following actions prior to a development approval for that same property:

**1.** Correction of the violation;

**2.** Payment of civil penalties within a specified time; or

**3.** Posting of a performance guarantee to ensure compliance with this Ordinance.

## 3.4 Enforcement Responsibilities and Procedures

### 3.4.1 Enforcement Responsibilities

**A.** The owner, tenant, or occupant of any building or land or part thereof who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

**B.** The Zoning Administrator or their appointed Code Enforcement Officer shall conduct inspections of premises and take other lawful action to obtain compliance with the provisions of this Ordinance. In exercising this power, the Zoning Administrator or Code Enforcement Officer is authorized to enter any premises within the jurisdiction of the Town of Siler City 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 that an appropriate inspection warrant has been secured.

**C.** Notwithstanding the provisions of this Section, failure of a Town official charged with enforcement responsibility to observe or recognize conditions which violate the intent and purpose of this Section of the Ordinance, or to deny the issuance of a development permit, shall not relieve the landowner from responsibility for the condition or damages that may result and shall not result in the Town, its officers, or agents being responsible for conditions or damages.

### 3.4.3 Notice of Violation

**A.** Written Notice. If the Zoning Administrator or Code Enforcement Officer finds that any provision of this Ordinance is being violated, he shall send a written Notice of Violation to the person responsible for such violation, indicating the nature of the violation, measures necessary to remedy the violation, the time period in which the violation must be corrected, the penalties that may be assessed, and notification of the right to appeal the decision or order of the Zoning Administrator or Code Enforcement Officer to the Board of Adjustment in accordance with Section 4.4 (Special Use Permits, Variances, Appeals and Interpretations). A written notice may be sent via email however mail is the preferred method.

**B.** Delivery of Written Notice. The Notice of Violation letter shall be delivered to any person responsible for such violation, including the occupant of the property and/or the person undertaking the work or activity, the holder of the development approval and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. Written notice shall also be provided to the landowner of the property involved if the landowner

is not the holder of the development approval. One of the following means shall be used to deliver the Notice of Violation:

**1.** Certified mail;

**2.** Registered mail to the last known address of the person liable;

**3.** Personal delivery; and posting notice conspicuously on the property.

**C.** Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator or Code Enforcement Officer may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 3.5.2 (Injunctive Relief).

**D.** The person providing the Notice of Violation shall certify to the Town file that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.

### 3.4.4 Remedy Upon Notice

Upon delivery of a written notice of violation, the landowner or any other responsible person shall remedy the violation within thirty (30) days of the date of the letter.

### 3.4.5 Failure to Comply

If the landowner, occupant, or any other responsible person fails to comply with a Notice of Violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, the landowner or occupant shall be subject to such remedies and penalties as may be provided for by State law or Section 3.5 (Penalties and Remedies).

## 3.5 Penalties and Remedies

**A.** Failure to comply with a Notice of Violation or to file an appeal within thirty (30) days shall subject the offender to one of the penalties or remedies listed below. Should a violation continue to exist by the thirtieth (30th) day of the original notification, the Town may seek to recover the penalty together with all costs (including but not limited to administrative, postage, contractors, and abatement) by filing a civil action in the general court of justice in the nature of a suit to collect a debt, and seeking appropriate injunctive relief to remedy the violation.

**B.** This Ordinance may be enforced by any individual remedy or combination of remedies authorized and prescribed by this Section. In addition to other enforcement provisions contained in this Section, the Town Board of Commissioners may exercise any and all enforcement powers granted to it by State law or common law. All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violation.

**C.** If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used or developed in violation of G.S. 160D or of any development regulation or other regulation made under authority of G.S. 160D, the Town, in addition to other remedies, appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use, or development;

to restrain, correct or abate the violation; to prevent occupancy of the building, structure or land; or to prevent any illegal act, conduct, business or use in or about the premises.

**D.** Violations of Chapter 11 (Water Management) are to follow the requirements for penalties located in Chapter 3 (Enforcement).

### 3.5.1 Civil Penalty

**A.** Violations of any provision of this Ordinance shall subject the violator to a civil penalty of one hundred dollars ($100.00) per day for the first ten (10) days of failure to comply. Thereafter, beginning on day eleven (11) of noncompliance, a penalty of two hundred and fifty dollars ($250.00) per day may be levied. A penalty of five hundred dollars ($500.00) per day may be levied beginning on day 21 of noncompliance.

**B.** Pursuant to G.S. 160A-175, The imposition of civil penalties shall not limit the use of any other lawful remedies available to the Board of Commissioners for the enforcement of any provisions in this Chapter.

**C.** Notice of the civil penalty assessment shall be served in the same manner as a Notice of Violation and shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 30 days of the date of the notice.

**D.** Civil penalties may be assessed until compliance is achieved. Appeal of a Notice of Violation shall stay the accumulation of civil penalties while the matter is under consideration by the Board of Adjustment.

**E.** Each day a violation continues following notice or failure to comply is considered a separate and distinct offense. Filing of an appeal of a Notice of Violation stops the clock on daily violations while the appeal is being considered by the Board of Adjustment.

**F.** If compliance is not achieved, then any of the review authorities listed in this Section, as appropriate, shall make written demand for payment of penalties that have accrued while the property has been in violation. The demand for payment shall be sent to the responsible person and shall include a description of the violation for which the civil penalties have been imposed.

**G.** If payment is not received or an equitable settlement reached within 30 days after the demand for payment is made, the Town may recover any unpaid civil penalty by filing a civil action in the nature of debt.

**H.** Any person who violates any provision of this Ordinance shall be subject to assessment of a civil penalty for each succeeding violation over the course of a calendar year.

### 3.5.2 Injunctive Relief

Whenever the Planning Director or designee has reasonable cause to believe that any person is violating or threatening to violate this Ordinance, the Planning Director or designee may refer the matter to the Town Attorney. Any such violation or a violation of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

### 3.5.3 Revocation of Permit

The Town Manager or designee may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates to include but

not limited to Certificates of Occupancy, shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of State or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable State or local law may also be revoked.

### 3.5.4 Stop Work Order

**A.** Whenever any work or activity subject to regulation pursuant to this Chapter, G.S. 160D, or other applicable Town development regulation, or any State law delegated to the Town for enforcement purposes in lieu of the State is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall meet the following requirements:

**1.** The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefore, and the conditions under which the work or activity may be resumed.

**2.** A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved (if that person is not the holder of the development approval) by personal delivery, electronic delivery, or first-class mail.

**3.** The person or persons delivering the stop work order shall certify to the Town that the order was delivered, and that certificate shall be deemed conclusive in the absence of fraud.

**B.** Except as provided by G.S. 160D-1112 and 160D-1208, a stop work order may be appealed pursuant to G.S. 160D-405. No further work or activity shall take place in violation of a stop work order pending a ruling on the appeal. Violation of a stop work order shall constitute a Class 1 misdemeanor.

### 3.5.5 Revocation of Development Approvals

In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the Town issuing the development approval by notifying the holder in writing stating the reason for the revocation.

**A.** The Town shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

**B.** Development approvals shall be revoked for:

**1.** any substantial departure from the approved application, plans, or specifications;

**2.** 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

**3.** 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.

**C.** Quasi-Judicial Approvals

**1.** The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in Subsection B. above shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.

**2.** A motion by a board to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or finding of fact that support the motion.

**D.** Administrative Approvals

**1.** Before a development approval may be revoked, the Zoning Administrator shall give the permit recipient ten (10) days' notice of intent to revoke the permit and of his right to obtain an informal hearing on the allegations.

**2.** If the permit is revoked, the Zoning Administrator shall provide the permittee with a written statement of the decision and the reasons, therefore.

**3.** The revocation of an administrative 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 pursuant to G.S. 160D, the provisions of G.S. 160D-405(e) regarding stays shall apply.

**E.** No person may continue to make use of land or buildings in the manner authorized by any development approval after such permit has been revoked in accordance with this Section.

### 3.6 Repeat Offense.

Any violation reoccurring on the same property by the same offender more than once within a twelve (12)-month period shall be considered a repeat offense, provided the reoccurrence is a violation of the same Section(s) of this Ordinance as the previous offense(s).

**A.** Notice of Violation. The notice of violation letter:

**1.** 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);

**2.** may be delivered to any person liable including the occupant of the property and/or the person undertaking the work or activity;

**3.** shall be delivered by personal delivery, electronic delivery, or first-class mail;

**4.** shall be posted in a conspicuous place on the property;

**5.** shall indicate that the violation exists, and the violation must be remedied within five (5) days of the date of the letter; and

shall also indicate that upon the expiration of the five (5) day warning period, the offender shall be subject to a civil penalty of one hundred dollars ($100.00) per day for the first ten (10) days of failure to comply. Thereafter, beginning on day eleven (11) of noncompliance, a penalty of two hundred and fifty dollars ($250.00) per day shall be levied. A penalty of five hundred dollars ($500.00) per day shall be levied beginning on day 21 of

noncompliance

**B.** Civil Penalty Letter. At any time beyond the expiration of the five (5) day period, a civil penalty letter:

**1.** 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);

**2.** may be delivered to any person liable including the occupant of the property and/or the person undertaking the work or activity;

**3.** shall be delivered by personal delivery, electronic delivery, or first-class mail;

**4.** shall be posted in a conspicuous place on the property; and

**5.** shall notify the offender that a one hundred dollar ($100) daily civil penalty is in effect beginning on the date of the letter and running up to and including the date the violation has been remedied.

## 3.7 Statutes of Limitation

### 3.7.1 Enforcement Defense

**A.** Claim or Defense Against Enforceability or Invalidity of the Ordinance. Nothing in G.S. 160D-1405, G.S. 1-54(10), or G.S. 1-54.1 shall bar a party in an action involving the enforcement of a development regulation or in an action under G.S. 160D-1403.1 from raising as a claim or defense in the proceedings the enforceability or the invalidity of the Ordinance.

**B.** Appeals. Nothing in G.S. 160D-1405, G.S. 1-54(10), or G.S. 1-54.1 shall bar a party who files a timely appeal from an order, requirement, decision, or determination made by an administrative official contending that the party is in violation of a development regulation from raising in the judicial appeal the invalidity of the Ordinance as a defense to the order, requirement, decision, or determination.

**C.** A party in an enforcement action or appeal may not assert the invalidity of the Ordinance on the basis of an alleged defect in the adoption process unless the defense is formally raised within three (3) years of the adoption of the challenged Ordinance.

### 3.7.2 Action Within Seven Years

An action against the owner of an interest in real property in accordance with G.S. 1-49 must be taken by the Town within seven years for the violation of a land-use statute, Ordinance, permit, or any other official action concerning land use carrying the effect of law. This Subsection does not limit the remedy of injunction for conditions that are actually injurious or dangerous to the public health or safety, but does prescribe an outside limitation of seven years from the occurrence of any of the following:

**A.** The violation is apparent from a public right-of-way.

**B.** The violation is in plain view from a place to which the public is invited.

### 3.7.3 Action Within Five Years

In accordance with G.S. 1-51, An action against the owner of an interest in real property must be taken by the Town within five years for a violation of a land-use statute, Ordinance, permit, or any other official

action concerning land use carrying the effect of law. This Subsection does not limit the remedy of injunction for conditions that are actually injurious or dangerous to the public health or safety. The claim for relief accrues upon the occurrence of the earlier of any of the following:

**A.** The facts constituting the violation are known to the Town Board, an agent, or an employee of the Town.

**B.** The violation can be determined from the public record of the Town.

### 3.7.4 Termination of Grandfathered Status

When a use constituting a violation of a zoning or development regulation is in existence prior to adoption of the Unified Development Ordinance creating the violation, and that use is grandfathered and subsequently terminated for any reason, the Town must bring any enforcement action within ten (10) years of the date of the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety.

# CHAPTER 4 – PROCEDURES

## 4.1 Procedures for all Development Approvals

### 4.1.1 Procedures Generally

**A.** Purpose. This Chapter describes the processes used by the Town of Siler City for the review and approval of development authorized by G.S. 160D and regulated by this Ordinance.

**B.** Development Approvals Required. A development approval in accordance with the requirements of this Chapter and the provisions of the floodplain, stormwater, and watershed requirements of Chapter 11 (Water Management) shall be required before:

**1.** The use of property is substantially changed;

**2.** Substantial clearing, grading, or excavation is proposed;

**3.** Buildings or other substantial structures are constructed, erected, moved, or substantially altered; or

**4.** Subdivision lots are sold

**C.** Permitted Applicants. Applications for development approvals may be made by the landowner, a lessee or person holding an option or 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. The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with this Section whenever there appears to be a reasonable basis for questioning this authority.

**D.** Inspections. The Town may, upon completion of work or activity undertaken pursuant to a development approval, make final inspections and issue the appropriate approval if staff finds that the completed work complies with all applicable State and local laws and with the terms of the permit approval.

**E.** Effect of Approvals on Successors and Assigns. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to G.S. 160D attach to and run with the land. Zoning permits, special use permits, and sign permits authorize the permittee to make use of land and structures in a particular way. Such permits are transferable; however, it is the responsibility of the permittee to maintain a written notice of the permit for any transfer of interest.

**F.** Table 4.1 identifies the advisory or decision-making responsibilities for the various bodies that have specific review and approval roles under this Ordinance. This table is not exhaustive of all approvals required by this Ordinance.

| Table 4.1 Summary of Development Review and Approval Responsibilities | | | | | | |
|---|---|---|---|---|---|---|
| **TABLE OF DEVELOPMENT REVIEW RESPONSIBILITIES** | | | | | | |
| SR= staff review | R= recommendation | | D= decision | | A= appeal | |
| | Town Staff | TRC | Planning Board | Board of Commissioners | Board of Adjustment | Superior Court |
| **AMENDMENTS** | | | | | | |
| Rezoning, Text Amendment | SR | R | R | D | | A |
| Development Agreement | SR | R | R | D | | A |
| Special Use Permit | SR | | | | D | A |
| **VARIANCES, APPEALS, AND ADJUSTMENTS** | | | | | | |
| Variance | SR | | | | D | A |
| Appeal of an administrative decision | SR | | | | D | A |
| **PLATS AND PLANS** | | | | | | |
| Concept Plan, Phasing Plan or Master Plan | SR | R | R | D | | A |
| Minor Subdivision Preliminary/ Exempt plat | D | | | | A | |
| Minor Subdivision Final Plat | D | | | | A | |
| Major Subdivision Preliminary Plat[1] | SR | D | | | A | |
| Major Subdivision Final Plat | D | | | | A | |
| Major Site Plan [2] | SR | R | D | | A | |
| Minor Site Plan | D | | | | A | |
| Civil Construction Plans | R | D | | | A | |
| Landscape Plan | D | | | | A | |
| **PERMITS** | | | | | | |
| Zoning Permit | D | | | | A | |
| Sign Permit | D | | | | A | |
| Use and Occupancy permit | D | | | | A | |

[1] Major subdivision preliminary plats meeting all requirements of Chapter 8 (Subdivision Regulations) and approved as part of a conditional zoning shall be considered approved at the time of rezoning.

[2] Major site plans meeting all requirements of Chapter 4 (Procedures) and approved as part of a conditional zoning shall be considered approved at the time of rezoning.

NOTE: When an application requires the review or approval of the Planning Board, Board of Adjustment or Board of Commissioners, a complete application shall be submitted by the first of the month preceding the month of the regularly scheduled meeting of the appropriate board. Applications submitted after the deadline shall be heard the month following the next regular meeting. Submittal deadlines for all other approving bodies are maintained in the office of the Planning and Community Development Department.

### 4.1.2 Application Completeness and Scheduling of Consideration.

All requests and approvals submitted through the Siler City Department of Planning and Community Development shall meet the applicable application and submittal procedures and requirements of this Ordinance to be accepted for review. An application shall be deemed complete when it conforms to all requirements, filing fees have been paid, and includes all information necessary for the approval-issuing authority to decide whether or not the development will comply with all of the requirements of this Ordinance if completed as proposed. The Planning Director or designee may request the applicant to clarify, correct, or add to the information as reasonably required to consider the application before it is considered complete. The Planning Director shall provide comments to the applicant informing them of their incomplete application within 10 days of the application submittal.

**A.** Detail of Submittals.

**1.** It is not necessary that the application contain information necessary to determine compliance with detailed technical design requirements and construction specifications set forth in one (1) or more of the Chapters of this Ordinance, Chapter 11 (Water Management) of this UDO, or the Siler City Development Guide. However, no construction work on any element of development subject to the aforementioned requirements and specifications may be commenced until information needed to determine compliance has been submitted to and approved by the Zoning Administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in Chapter 3 (Enforcement).

**2.** In types of development approvals where a minimal amount of information is necessary to determine compliance with this Ordinance, such as applications for zoning permits to construct single-family or two-family houses, or applications for sign permits, the Planning Director may waive certain submittal requirements that are not applicable.

**B.** Fees. Application and permit fees shall be charged to applicants to cover the cost of administration, inspection, publication of notice and similar matters for zoning permits, sign permits, conditional zoning, special use permits, subdivision plat approval, zoning amendments, variances, and other administrative relief. Fees shall be paid upon submission of a signed application or notice of appeal. Fees shall be established and modified by the Board of Commissioners as necessary. In accordance with G.S. 160D-402, all fees collected for the support, administration, and implementation of development regulation shall be used for such purposes only.

**C.** Deadlines for Submittal. When an application requires the review or approval of the Planning Board, Board of Adjustment or Board of Commissioners, a complete application shall be submitted by the first of the month preceding the month of the regularly scheduled meeting of the appropriate board. Applications submitted after the deadline shall be heard the month following the next regular meeting.

**D.** Start of Review. Whenever a time period for processing an application is established by this Chapter or a submittal schedule posted in the Department of Planning and Community Development, such time period shall not commence until the application has been reviewed and determined to be complete and correct. Review for completeness shall be solely for the purpose of determining whether preliminary information required with the application is sufficient to allow further processing and shall not constitute a decision as to whether proposed development complies with the provisions of this Ordinance and Chapter 11 (Water Management). If the application is determined to be incomplete, the Planning Director or their designee will provide information to the applicant within 10 days of submittal, specifying those parts of the application that are incomplete, and indicating the manner in which they can be made complete. Upon receipt of any missing materials or required fee, a new application submittal period shall begin.

**E.** Applications to be Processed Expeditiously. Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the Town shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this Ordinance.

### 4.1.3 Standardized Plans and Studies

Several standardized plan types and studies are referenced in this Ordinance and listed below. The specific type of plan or study required is indicated in the procedures of this Chapter and in Chapter 8 (Subdivision Regulations), for each type of land development approval. This list is intended to represent common types

of plans approved by the Planning Director, Technical Review Committee, Planning Board, Board of Adjustment or Board of Commissioners and does not include all plans that may be required for land development, nor does it include plans required by other agencies. All plans shall demonstrate compliance with the requirements of this Ordinance and the floodplain, stormwater, and watershed requirements of Chapter 11 (Water Management) as applicable.

**A.** Standardized Plans. Detailed submittal requirements for each type of plan can be found in Appendix A.

**1.** Residential Plot Plan. A residential plot plan is required with an application for a Zoning Permit and subsequent building permits for the development of a principal residential structure for up to four units and associated accessory structures. The plot plan must be scaled and must show the placement of proposed residential structure(s). The plan shall show the placement of structures relative to property boundaries in order to verify setback requirements.

**2.** Preliminary Plat. A preliminary plat is submitted as the first step in the subdivision approval process. Preliminary plats are classified as minor (4 or fewer lots) or major (5 or more lots) to require the appropriate approval authority. Preliminary plat approval authorizes the applicant to prepare and submit a final plat for all required improvements for a subdivision. Submittal requirements for subdivision plats are described in Chapter 8 (Subdivision Regulations) and Appendix A.

**3.** Final Plat. A final plat includes evidence of the approval of completed improvements, or submission of performance guarantees for required improvements approved as part of a preliminary plat. After review, execution of certifications, and approval of the final plat, it is recorded with the Chatham County Register of Deeds and the transfer of lots may begin. Submittal requirements for subdivision plats are described in Chapter 8 (Subdivision Regulations), and Appendix A.

**4.** Site Plan. A Site Plan shows the physical characteristics of a parcel of land proposed for development. A site plan is required with the application for a Zoning Permit and subsequent building permits for the development of any principal and accessory structures that are not regulated by the NC Residential Building Code. Site plans are classified as minor (structures less than 5,000 square feet or grading of less than an acre) or major (development which will disturb over an acre of area and/or will include the construction of structures with a combined gross floor area of 5,000 square feet or more) to require the appropriate approval authority.

**5.** Civil Construction Plans and Documents. Civil construction plans and Documents demonstrate the proposed detailed design information related to land disturbing activity and include required certifications necessary prior to construction. Civil Construction plans and documents are required to be approved prior to the start of development that requires a major site plan.

**6.** Concept Plan for Conditional Zoning District Requests. A concept plan depicts the general configuration and relationship of the principal elements of a proposed development and its proposed uses, along with access and internal circulation through the development. Proposals which include a mixture of uses or building types may include several areas of development with differing design elements, each of which shall be detailed in the concept plan. Subsequent to the approval of a concept plan, specific site plan or

subdivision plan submittal and approval is required prior to the commencement of any construction activity.

**7.** Master Development Plan for Planned Unit Development. A master development plan is a strategic and comprehensive framework designed to guide the development of a Planned Unit Development over time. The structured vision and broad scope of the master development plan helps the community and Boards visualize the expected outcome of a development. The plan organizes the use of land for applicable residential, commercial, industrial, and recreational purposes, in a manner that promotes a balanced coexistence of diverse land uses while minimizing unintended consequences.

**8.** Phasing Plan. A phasing plan shows the general sequences and phases in which a development is proposed to be completed and the requirements of the Ordinance that will be satisfied with respect to each phase.

**9.** Site-Specific Vesting Plan. A site-specific vesting plan is a plan that meets the requirements of G.S. 160D-108.1 for a site-specific vesting plan. Other conventional plan types can qualify as a site-specific vesting plan and potentially qualify for vested rights pursuant to Section 4. 9 (Permit Choice and Vested Rights).

**B**. Transportation Studies. The potential impact of development on the transportation network is an important part of planning for future growth. A different level of analysis is appropriate at the rezoning stage than at the site planning stage of development. A Transportation Review (TR) will guide decisions at the rezoning stage, while a more detailed Transportation Impact Analysis (TIA) will guide decisions at the site development stage. Both types of studies are required for development expected to generate 1,000 or more trips per day, or 100 or more peak trips per day, whichever is the smaller number, beyond the existing traffic demand of the site. Notwithstanding the applicable thresholds above, a transportation study shall not be required if the property to be rezoned or developed has been the subject of a Transportation Impact Study within the previous 3 years and the projected trip generation of the newly proposed development is equal to or less than the trip generation of the previously modeled development.

**1.** Transportation Review. A Transportation Review including sufficient detail to guide broad land use and site planning decisions shall be required at the rezoning stage. However, such study shall not be required to contain the level of detail expected of a full-scale traffic impact analysis. The Transportation Review shall include:

**a.** The land uses of the project at full build-out;

**b.** Estimated maximum trip generation at full build-out;

**c.** Traffic mitigation measures on a large scale;

**d.** A report summarizing the results of the analysis, including associated figures prepared for staff review and comment; and,

**e.** Comments on the study and recommendations from NCDOT.

**2.** Traffic Impact Analysis. After rezoning and prior to development, each phase of development shall require a full TIA prior to site plan approval based on conditions that exist at that time. The TIA shall provide recommendations for improvements to the current and proposed vehicular and non-vehicular transportation network. The details

required of a TIA are included in the Siler City Land Development Guide.

### 4.1.4 Conditions of Approval

Where the express terms of this Ordinance authorize a decision-making body to approve a development submittal with conditions, the body may impose reasonable and appropriate conditions or restrictions on the approval. The conditions may, as appropriate, ensure compliance with particular standards of this Ordinance, prevent or minimize adverse effects from the proposed development on surrounding lands, or ensure conformance to the Siler City Land Use Plan and other adopted plans addressing the Town's growth and development. The addition of conditions to development approvals is not intended to allow changes in regulations that would otherwise require a variance. No condition shall allow for a use not otherwise allowed by this Ordinance on the subject property. To be considered valid, conditions shall be agreed to in writing by the petitioner.

**A.** Criteria

The restrictions and conditions imposed must be related in both type and amount to the impact that the proposed development would have on the public and surrounding development. Pursuant to G.S. 160D-703, the town may not require, enforce, or incorporate any condition or requirement not authorized by otherwise applicable law, 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. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to the Town's ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.

**B.** Conditions Included in Approval. All conditions required as part of a development approval shall be expressly set forth in writing as part of the approval.

### 4.1.5 Phased Development

**A.** If a development is constructed in phases or stages in accordance with this Section, then each phase shall independently be able to satisfy the provisions of Subsection 4.1.1B. (Development Approvals Required).

**B.** Phased developments shall only be approved if accompanied by a Phasing Plan that demonstrates how residential and non-residential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with any relevant Town capital improvements. A Phasing Plan shall also include an expected timeline for the completion of each phase. The approval of a phasing plan allows the Town to plan for services which will serve the development, but approval shall not require the development to adhere to this timeline unless such adherence is a formal condition of project approval.

**C.** If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one (1) or more phases or stages of the entire development. Once a schedule has been approved and made part of the

permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:

**1.** If the improvement is required by this Ordinance, then the developer may utilize the provisions of Section 4.1.7 (Performance Guarantees).

**2.** When an improvement or amenity beyond that required by this Ordinance has been agreed to as part of a development approval, the board may authorize the developer to commence the intended use of the property, to occupy any building, or to sell any subdivision lots before the additional requirements are fulfilled or the amenities installed. The board shall specify a date or schedule for the completion of such requirements or amenities, and if the board concludes that compliance will be ensured by a performance guarantee.

### 4.1.6 Modifications

**A.** Modifications Generally

**1.** Modifications to development approvals shall be classified as either minor or major modifications. The Zoning Administrator shall determine if a proposed modification is a minor or major modification.

**2.** Requests for the approval of changes shall be submitted in writing to the Zoning Administrator, and that request shall identify the desired changes. Approval of all changes shall be given in writing prior to any deviations from the terms of an application or development approval.

**3.** If multiple parcels of land are subject to a special use permit or conditional zoning district, the owners of individual parcels may apply for modification of the approval or conditions so long as the modification would not result in other properties failing to meet the terms of the special use permit, regulations, or conditions.

**4.** Any approved modifications shall apply only to those properties whose owners request the modification.

**5.** Modifications to elements that are part of a recorded document shall be represented with a newly recorded document.

**B.** Minor Modifications. The Planning Director or designee may approve minor modifications to the terms and conditions of a development approval in accordance with this Section. Any other modification of the terms and conditions of a development approval shall be reviewed and approved in the same manner as the original approval. Minor modifications shall comply with underlying zoning standards and other applicable conditions of approval. Minor modifications shall not involve a change in uses permitted or the density of overall development permitted. Minor Modifications subject to administrative approval may include:

**1.** Location of buildings, fences, walls, plantings, and exterior lighting.

**2.** Orientation of buildings.

**3.** Building unit offsets.

**4.** Parking area layouts, including the number of parking spaces, provided the proposal meets the parking guidelines of the UNIFIED DEVELOPMENT ORDINANCE or a property owner can demonstrate a smaller number of parking spaces will meet the demand from their customers.

**5.** Configuration of internal driveways and streets.

**6.** Number of buildings and number of units per individual building, so long as the overall housing density and/or intensity of the development on the site is not increased.

**7.** Type of recreation facilities so long as there is no reduction in site area devoted to the recreation use.

**8.** Location of signs.

**9.** Bufferyards, streetyards, and other vegetative plantings, provided the proposal meets the requirements of Section 6.2 (Landscaping Requirements).

**10.** Trail Easements

**11.** Buildings, other than multiple-story buildings, may be moved closer to public streets, provided such movement meets the setback requirements of the Unified Development Ordinance, and setbacks mandated by adopted transportation plans.

**12.** Other modifications to a development approval that do not increase the impacts generated by the development related to traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval, and which meet all other requirements of this Ordinance.

**C.** Major Modifications. The following changes are considered to be major modifications to an approved special use permit or conditional zoning and are not allowed as a minor administrative change:

**1.** Changes in uses permitted or the overall density of development permitted.

**2.** Revisions to the basic site concept or layout.

**3.** Number or location of access points to public streets unless the proposed access changes improve public safety.

**4.** Any change of the terms and conditions of a development approval that does not qualify as a minor modification shall be reviewed and approved in the same manner as the original approval.

**D.** Modifications to Dimensional Requirements. The Zoning Administrator may approve administrative adjustments for a modification or deviation of up to ten (10) percent of any zoning district dimensional standard listed in Chapter 5 (Zoning); a numeric standard detailed in Chapter 6 (Development Standards Applicable to all Uses); or a numeric standard contained in Chapter 7 (Land Uses and Use-Specific Development Standards). In no instance shall an administrative adjustment seek to change any of the following:

**1.** The required minimum lot area;

**2.** Increases in the maximum residential density of a lot or development;

**3.** Reductions to the minimum required distance between two use types;

**4.** Reductions to the standards of Chapter 11, (Water Management), including those related to stormwater or flood protection;

**5.** Reductions to infrastructure-related requirements, including sight stopping distances, parking lot dimensions, road, or right-of-way widths; or

**6.** Reductions to requirements or recommendations specified in a transportation impact study.

Changes beyond those listed here will require the approval of a variance pursuant to Section 4.4 (Special Use Permits, Variances, Appeals, and Interpretations).

### 4.1.7 Performance Guarantees

**A.** Performance guarantees in accordance with G.S. 160D-804.1 may be used to ensure that all improvements, facilities, or work required as part of a development approval shall be completed in compliance with the approved plans and specifications and as recommended by the TRC. Performance guarantees associated with stormwater control measures, however, are described in Chapter 11, (Water Management).

**B.** Type of Performance Guarantee. The developer shall determine which of the following types of performance guarantees to submit:

**1.** A performance bond issued by any company authorized to do business by the State of North Carolina;

**2.** A Standby Letter of Credit (SBLC) issued by any financial institution licensed to do business in this State; or,

**3.** Another form of guarantee determined by the Planning Director to provide equivalent security to a performance bond or standby letter of credit.

**C.** Posting. Performance guarantees shall be posted prior to final plat recordation, or prior to issuance of a certificate of occupancy. The timing of posting shall be determined by the applicable department director or designee responsible for approval of the specified improvement.

**D.** Duration

**1.** The duration of a performance guarantee shall initially be one (1) year, unless the developer requests a longer period of time for required improvements that necessitate a longer duration. The completion date for a bonded obligation shall be set from the date the bond is issued.

**2.** A developer shall demonstrate reasonable, good-faith progress toward completion of the

required improvements that are secured by a performance guarantee.

**3.** If a current performance guarantee is likely to expire before the improvements are completed in accordance with the approved plans and specifications, the performance guarantee may be extended or a new performance guarantee may be issued. The amount of an extended or new performance guarantee shall be determined according to the procedures for determining the initial guarantee. The amount shall not exceed one hundred-and-twenty percent (120%) of the reasonably estimated cost of completion of the remaining improvements still outstanding at the time the extension is obtained.

**E.** Determination of Amount

**1.** The amount of a performance guarantee shall not exceed one hundred –and-twenty percent (120%) of the reasonably estimated cost of completion of improvements at the time the performance guarantee is issued. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Costs shall be based on unit pricing where applicable. The additional twenty percent (20%) shall cover inflation and all administrative costs, regardless of how the fees or charges are denominated.

**2.** Performance guarantees for required landscaping shall include the cost of materials, installation and amendments estimated by a landscaping contractor or landscape architect.

**3.** Performance guarantees shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

**F.** Inspection. The zoning administrator or their designee shall conduct an inspection of the improvements subject to a performance guarantee within 30 days of a request received from a developer and advise the developer whether the improvements are completed to the required specifications of the Town. In the event the zoning administrator and developer disagree whether a required improvement is completed to the required specifications of the Town, a developer may obtain a certification under seal from a licensed professional engineer that the required improvements have been completed to the required specifications of the Town.

**G.** Release. The performance guarantee shall be returned or released, as appropriate, within 30 days upon the acknowledgement by the zoning administrator that the improvements for which the performance guarantee is being required are complete or upon receipt of a certification under seal from a professional engineer that the required improvements have been completed to the required specifications of the Town. The zoning administrator shall return letters of credit or escrowed funds within 30 days upon completion of the required improvements to the Town's specifications or upon acceptance of the required improvements if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the required specifications of the Town, or are accepted by the zoning administrator, if subject to its acceptance, upon request by the developer, the zoning administrator shall timely provide written acknowledgement that the required improvements have been completed.

**H.** Legal Responsibilities. No person shall have or may claim any rights under or pursuant to any performance guarantee provided in accordance with this Subsection other than the following:

**1.** The Town of Siler City;

**2.** The developer at whose request or for whose benefit the performance guarantee is given; or,

**3.** The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.

**I.** Required Contents of Performance Guarantees. Additional requirements for specific types of development approvals are found in Chapter 8 (Subdivision Regulations), and Chapter 6 (Development Standards Applicable to all Uses).

**1.** Secured by Bond. The following shall be included in any performance bond accepted by the Town of Siler City:

**a.** The entity issuing the Performance Surety shall demonstrate proof of licensure and state its preferred correspondence address within the bond;

**b.** The Performance Surety shall be issued in favor of the Town of Siler City (obligee) for a specified amount;

**c.** The Performance Surety shall clearly indicate the obligations of the principal and obligee within the document;

**d.** The Performance Surety shall clearly indicate the name of the responsible builder or developer (principal) and their full intent to perform; and,

**e.** The Performance Surety shall state that the surety will stay in full force and effect until the obligee notifies the principal that all obligations stated within the Performance Surety have been satisfied in their entirety.

**2.** Secured by SBLC. The following shall be included in any SBLC to be accepted by the Town of Siler City as valid:

**a.** The entity issuing the SBLC shall provide proof of licensure to do business in the State of North Carolina and shall state its preferred correspondence address within the SBLC;

**b.** The SBLC shall be issued in favor of the Town of Siler City (beneficiary) for a specified amount and state the customer (account party);

**c.** The SBLC shall clearly state it is an irrevocable Standby Letter of Credit;

**d.** The SBLC shall clearly indicate the obligation within the SBLC is for the payment of money in lieu of performance;

**e.** The SBLC must state the beneficiary has the right to draw on the SBLC from time to time upon written demand by the beneficiary indicating the account parties' failure to meet their obligations;

**f.** The SBLC shall state draws will be processed within a reasonable time period once the beneficiary demands a draw;

**g.** The SBLC shall state the original amount may be reduced from time to time only upon written notice by the beneficiary to do so;

**h.** The SBLC shall state the obligation shall be in full effect up to 5:00 pm on the date of expiration as indicated within the SBLC, and if the date falls on a holiday, weekend, or other day in which the beneficiary or issuer are closed for business, the expiration day shall be the following day that both beneficiary and issuer are open for business; and,

The SBLC shall state that the SBLC shall be automatically extended, without any formal amendment or notice to the effect, from year to year, for successive periods of one (1) year each from the present or any future expiration date hereof, unless the issuer notifies the beneficiary 60-days prior to the expiration date in writing, via certified mail, return receipt requested, that the issuer has elected not to renew the SBLC and the beneficiary has until 5:00 pm on or before the expiration date to draw the full amount hereunder.

### 4.1.8 Maintenance of Common Areas, Improvements, and Facilities

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

## 4.2 Map and Text Amendments

### 4.2.1 Intent

**A.** Amendments to the text of this Ordinance or to the zoning map may be made in accordance with the provisions of this Chapter, or in the case of non-substantive editorial changes, may be made administratively by the Planning Director.

**B.** No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning amendment. For purposes of this Section, "down-zoning" means a zoning ordinance that affects 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 than were allowed under its previous usage.

**3.** By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.

### 4.2.2 Procedures for all Map and Text Amendments

All requests for amendments to this Ordinance and the Official Zoning Map shall follow the steps below, further described below:

- Initiation of Request
- Pre-submittal Conference with Staff
- Neighborhood Meeting (if required)
- Submittal of Complete Application and Fees
- Planning Board Recommendation
- Board of Commissioners Decision

**A.** Initiation of Request. A request for an amendment to the text of this Ordinance or the official zoning map may be made by:

**1.** The Siler City Town Board of Commissioners;

**2.** The Siler City Planning Board, Board of Adjustment, or any other duly appointed Town body;

**3.** The Town Manager, Planning Director or other official of the Town; or

**4.** Any property owner or agent thereof, upon submittal of application to the Planning Director.

Property may be placed in a conditional district only in response to a petition by all owners of the property to be included in the request. Any request initiated as provided in this Section shall be referred to the Planning Director, Planning Board, and any other appropriate board for their consideration. Such request shall be heard in a legislative public hearing and acted upon in accordance with the procedures of this Chapter.

**B.** Pre-submittal Meeting. A pre-submittal conference with the Department of Planning and Development is required prior to the submittal of any petition for a map or text amendment.

**C.** Neighborhood Meeting. Prior to an application for any rezoning petition, the applicant shall host a neighborhood meeting in which the applicant provides information about the rezoning. The Planning Director may waive this requirement for proposals that would cause minimal changes in land use, intensity, and/or density. The purpose of the meeting is to gather input and address concerns of surrounding property owners prior to application submittal. The applicant must comply with the following requirements:

**1.** The meeting shall be held outside of the standard workday (Monday through Friday, 8-5) and shall not be held on a holiday or the days immediately before or after.

**2.** The meeting shall be held within the Town limits or ETJ, in reasonable proximity to the subject property.

**3.** The meeting shall be held prior to the submission of a formal application.

**4.** Notice of the meeting shall be sent by the applicant via first class mail to all property owners within a two-hundred-foot (200') radius of the subject properties, no less than ten (10) days prior to the date of the proposed neighborhood meeting.

**5.** Notice shall include contact information for the applicant, a stated purpose for the meeting including what will be discussed, what the applicant is proposing, the reason for the meeting, and the time and location of the meeting. If a manufactured home park falls within the required radius, each tenant of the park shall be notified of the meeting.

**6.** A sign clearly announcing the neighborhood meeting shall also be posted by the applicant on the subject properties no less than ten (10) days prior to the meeting. The sign shall have a minimum area of six (6) square feet and shall be visible from the primary roadway accessing the property.

Following the required neighborhood meeting, the applicant shall meet with staff to discuss issues raised and details on how they will address neighborhood concerns.

**7.** The applicant shall provide the Planning and Community Development department with a copy of materials presented and distributed at the meeting.

**D.** Application and Fees.

**1.** Complete Application. Each request for a text or map amendment shall be accompanied by a completed application pursuant to Subsection 4.1.2. (Application Completeness and Scheduling of Consideration). Applications shall include, at a minimum, the following:

**a.** A completed and signed application form with required fees.

**b.** A description of the property for which rezoning is requested. The description shall reference the latest available parcel identifier as maintained in the Chatham County Tax Assessor's GIS database, and shall include reference to a recorded plat, if available. If a portion of a lot(s) is included in the petition, a written metes and bounds description from a field survey or computed description no older than 5 years prior to the date of submittal shall be submitted.

**c.** For amendments to the zoning text, the Sections of the Ordinance to be amended and the new or revised language of the Ordinance being proposed shall be submitted.

**d.** A Transportation Review per Subsection 4.1.3 (Transportation Studies) for proposed residential development expected to generate 3,000 or more trips per day.

**2.** Multiple Zoning Districts. Proposals to change the zoning of property to more than one new zoning district may be processed as a single application, including the application and fee requirements of Subsection 4.2.2.D (Application and Fees), if all proposed zoning districts are contiguous and together constitute a unified development proposal.

**E.** Planning Board Recommendation. Whenever an application to amend this Ordinance or the Official Zoning Map is submitted to the Town, the Planning Board shall consider the merit of the application and make a recommendation to the Board of Commissioners prior to the public hearing.

**1.** The Planning Board shall recommend approval of the application as submitted or recommend denial of the application with reasons stated.

**2.** The Planning Board shall submit a report and recommendations to the Board of Commissioners in writing. Failure to submit a report and recommendation shall not be deemed to constitute either approval or disapproval of the petition by the Planning Board. In the report, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the Siler City Land Use Plan and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and whether the proposed amendment is reasonable and in the public interest. A statement by the Planning Board that a proposed amendment is inconsistent with the Siler City Land Use Plan shall not preclude consideration or approval of the amendment by the Board of Commissioners.

**3.** The Planning Board shall, at the same time, mail or deliver to the petitioner and also to the opponent(s), if any, a copy of the same report and recommendations sent to the Board of Commissioners. In case there is more than one petitioner for or opponent to the proposed change, it shall be sufficient to mail or deliver a copy of the report and notice of any subsequent hearing before the Board of Commissioners to the one petitioner designated by the petitioners to receive same and to any such opponent who requests receipt of the report in writing at the public hearing. Furthermore, in any case where any of the parties are represented by an attorney or other professional named in the petition, the mailing or delivery of a copy of the report and notice of any hearing to the attorney shall be the equivalent of mailing or delivering the same to the party or parties represented by the attorney.

**F.** Public Hearing. In no case shall final action by the Board of Commissioners be taken amending, changing, supplementing, modifying, or repealing the regulations established by this Ordinance, or changing the district boundaries of the official zoning map, until a public hearing is held by the Board of Commissioners in accordance with this Section, at which interested parties and citizens shall have an opportunity to be heard.

Notice of a public hearing before the Board of Commissioners shall be made by newspaper advertisement, mailed notice, and posting of the property.

**1.** Newspaper Advertisement. A notice of each public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the Town of Siler City, the first publication of the notice being not less than ten (10) days prior to the date fixed for the hearing.

**2.** Mailed Notice.

**a.** Mailed 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. Letters shall be sent via first class mail to all property owners within a two-hundred-foot (200') radius of the subject parcel(s), including those properties separated from the subject property by a street, railroad, or other transportation corridor, in accordance with State law, except as exempted under Subsection 4.2.2.F.3. below.

**b.** Except for a Town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the landowner or authorized agent, the applicant shall certify to the Board of Commissioners that the owner of the parcel(s) of land as shown on the County tax listing has received actual notice of the proposed amendment and a copy of the notice of the hearing. The person or persons required to provide notice shall certify to the Board of Commissioners that proper notice has been provided in fact, and the certificate shall be deemed conclusive in the absence of fraud.

**3.** An expanded published notice may be used in place of the first-class mail notice required under this Section 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. In this instance, the Town of Siler City may choose to send a mailed notice provided for in Subsection 4.2.2.F.2. (Mailed Notice) or, as an alternative, elect an expanded published notice of the hearing as allowed per G.S. 160D-601, provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper 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 4.2.2.F.2. (Mailed Notice).

**4.** Posting of Property. The property shall be posted with a notice of public hearing by the Town of Siler City for the hearings of the Planning Board and Board of Commissioners. The sign shall be posted at least ten (10) days but no more than twenty-five (25) days prior to the date of the first public hearing and shall remain in place until a decision has been made on the request. The notice shall be of sufficient size to contain, and shall contain, heavy black lettering not less than three (3) inches high on a white background and shall be posted in a conspicuous location on the property or within an adjacent public street or highway right-of-way, which sign shall be legible from the nearest public road. Where the posting is not clearly visible from the nearest public right-of-way, a second directional sign which is clearly visible from the nearest public right-of-way shall be posted. Planning Director The signs shall remain the property of the governmental agency which provided them, and shall be prepared, posted, and reclaimed by it. When multiple parcels are included within a proposed amendment, a posting on each individual parcel is not required, but there shall be sufficient signs posted to provide reasonable notice to interested persons.

**G.** Board of Commissioners' Decision. Upon receiving a recommendation from the Planning Board, the Board of Commissioners shall hold a public hearing for each proposed amendment in accordance with Subsection 4.2 (Map and Text Amendments).

**1.** Citizen Comments. If any interested party submits a written statement regarding a proposed amendment, modification, or repeal to the Ordinance to the clerk to the board at least two business days prior to the proposed vote on the change, the clerk to the board shall deliver the written statement to the Board of Commissioners. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160D-705, the clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of the names and addresses to all members of the board shall not disqualify any member of the board from voting.

**2.** Consideration of Consistency with Land Use Plan

**a.** Prior to adopting or rejecting any zoning amendment, the Board of Commissioners shall consider and adopt a statement describing whether its action is consistent or inconsistent with the Siler City Land Use Plan and explaining why the Board of Commissioners considers the action taken to be reasonable and in the public interest.

**b.** Amendment of the Future Land Use Map. If the amendment is adopted and the action was deemed inconsistent with the adopted Siler City Land Use Plan and existing future land use map, the zoning amendment shall have the effect of also amending the future land use map. No additional request or application for a plan amendment shall be required. An amendment to the Future Land Use Map and a zoning amendment may be considered concurrently. Both amendments may be processed with a single fee.

**H.** Withdrawal. Permission of the appointed body before which a petition is pending for action or consideration shall be required to withdraw a zoning petition for which a notice of public hearing has been published, or scheduled for publication and which cannot be cancelled. Once the Planning Board has acted to forward a recommendation on the zoning petition to the Board of Commissioners, the petition may not be withdrawn by the applicant except with permission of the Board of Commissioners. A public hearing shall not be required to consider a request to withdraw. Filing fees shall not be refundable, except that the Planning Director may authorize a refund of the fees if no notice expenses related to the petition have been incurred.

**I.** Adopting Ordinance. Any text or map amendment adopted pursuant to Chapter 160D shall be adopted by ordinance.

**J.** Notice to North Carolina Department of Transportation. Pursuant to State law, written notice of any industrial rezoning within six hundred and sixty (660) feet of the right-of-way of freeways/expressways in the Interstate System shall be provided to the North Carolina Department of Transportation.

**K.** Limits on Resubmittal. In the event that a petition to amend the UDO text or the zoning map is denied by the Board of Commissioners, a period of two (2) years shall elapse before a new petition for the same request may be submitted. Further, a period of one (1) year shall elapse before a new petition for a different zoning classification of land may be submitted. The Board of Commissioners or the Planning Board shall be exempt from this restriction and may submit a new petition for a zoning or map amendment within the limits prescribed herein.

### 4.2.3 Conditional Zoning Districts Distinguished

Each conditional zoning district shall be established through the approval of a master development plan and reasonable rules, regulations and conditions mutually agreed upon by the petitioner and the Board of Commissioners as part of the rezoning process. Conditional zoning allows flexibility in uses and standards tailored to an individual development project through adoption of specified plans and conditions.

**A.** Any petition to amend district boundaries to create a conditional zoning district shall follow the procedures for general district amendments pursuant to 4.2.2 (Procedures for all Map and Text

Amendments), with the following additional provisions:

**1.** Property may be placed in a conditional district only in response to an application signed by all owners of the property to be included.

**2.** All petitions for a conditional zoning district shall be based on one of the existing general districts listed in Subsection 5.2 (Zoning Districts Established) and all requirements of the general zoning shall be met. A request for a PUD is exempted from this requirement, provided the submittal includes every regulation otherwise covered by zoning requirements and development standards.

**2.** Plan Review by Technical Review Committee. Following review of the application by Planning and Development staff, the Technical Review Committee shall review the plan(s) submitted with a conditional zoning request and make a recommendation to staff.

**3.** In rezoning for a conditional zoning district, the Board of Commissioners may impose additional reasonable conditions as provided in Subsection 4.1.4 (Conditions of Approval). All requirements and conditions consented to by the petitioner in writing may be incorporated into the terms and conditions of the conditional zoning district.

**4.** The decision by the Board of Commissioners to approve or deny each conditional zoning district petition shall do so on the basis of the specific site plan and conditions as well as the consistency of the request with the Land Use Plan.

**B.** Application. If an application for conditional zoning requests two or more conditional zoning districts, the petitioner shall submit a separate petition for each district. The application(s) shall meet the requirements for a general rezoning with the following additional items:

**1.** Concept Plan. A concept plan meeting the requirements of Appendix A shall be submitted with any application for conditional zoning. Developments proposed with a concept plan shall require the approval of a major site plan prior to development. The submittal requirements for a concept plan are listed in Appendix A.

**2.** Master Development Plan for Planned Unit Developments. A master development plan shall be submitted with any application for a PUD. In cases where the master development plan includes sufficient detail to meet the minimum requirements for a major site plan and/or preliminary plat in the opinion of the TRC, the applicant may request an exemption from subsequent major site plan or preliminary plat review. The submittal requirements for a master plan are listed in Appendix A.

**3.** Proposed conditions of approval.

**4.** Additional studies and analysis as required by this Ordinance and the TRC to ensure the proposed project will meet State and local requirements.

**C.** Effect of Approval. A conditional zoning district shall only become effective upon approval of the conditions by the Board of Commissioners and acceptance of the conditions in writing by the owner of the property.

**1.** If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the approved site plan for the district and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and shall be binding on the property as an amendment to the zoning map.

**2.** If a petition is approved, only those uses and structures indicated in the approved petition and site plan shall be allowed on the subject property. A change of location of the structures may only be authorized pursuant to Subsection 4.1.6 (Modifications).

**3.** Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning map by the appropriate district designation.

**4.** Any violation of the approved site plan or any rules, regulations or adopted conditions for the district shall be treated the same as any other violation of this Ordinance and shall be subject to the same enforcement provisions.

**5.** Subdivision plats that comply with all applicable provisions of Chapter 8 (Subdivision Regulations) and Appendix A shall be considered as approved preliminary plats when submitted as part of a conditional zoning request.

**D.** Permit Issuance. No zoning permit or other governmental entitlement for the use, development, or division of land zoned to a conditional zoning district shall be issued prior to the approval by the Board of Commissioners of a conditional zoning district request. No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved ordinance and site plan for the district

## 4.3 Development Agreements

**A.** Authorization

**1.** Findings

**a.** Development projects often occur in multiple phases over several years, requiring a long-term commitment of both public and private resources.

**b.** Such developments often create community impacts and opportunities that are difficult to accommodate within traditional zoning processes.

**c.** Because of their scale and duration, such projects often require careful coordination of public capital facilities planning, financing, and construction schedules and phasing of the private development.

**d.** Such projects involve substantial commitments of private capital, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.

**e.** Such developments often permit communities and developers to experiment with different or non-traditional types of development concepts and standards,

while still managing impacts on the surrounding areas.

**f.** To better structure and manage development approvals for such developments and ensure their proper integration into local capital facilities programs, the Town needs flexibility to negotiate such developments.

**2.** The Town may enter into development agreements with developers, subject to the provisions of Article 10 of G.S. 160D. In entering into such agreements, the Town may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not otherwise authorized by applicable law.

**3.** Article 10 of G.S. 160D is supplemental to the powers conferred upon the Town and does not preclude or supersede rights and obligations established pursuant to other law regarding development approvals, site-specific vesting plans, phased vesting plans, or other provisions of law. A development agreement shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of the Town's development regulations. When the Town Board of Commissioners approves the rezoning of any property associated with a development agreement executed and recorded pursuant to Article 10 of G.S. 160D, the provisions of G.S. 160D-605(a) shall apply.

**4.** 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.

**5.** The Town may enter into a development agreement for the development of developable property of any size. Development agreements shall be of a reasonable term, which shall be specified in the agreement.

**B.** Process of Approval

**1.** A development agreement must be approved by the Town Board of Commissioners following the procedures specified in G.S. 160D-1005.

**2.** 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 incorporate by reference a sketch plan or preliminary plat required under a subdivision regulation or a site plan or other development approval required under a zoning regulation. If incorporated into a conditional district, the provisions of the development agreement shall be treated as a development regulation in the event of the developer's bankruptcy.

**3.** Before entering into a development agreement, the Town shall conduct a legislative hearing on the proposed agreement following the notice provisions of Subsection 4.2.2.F (Public Hearing)., The notice for the hearing shall specify the location of the property subject to the development agreement, the development uses proposed on the property and shall specify a place where a copy of the proposed development agreement can be obtained.

**C.** Contents of Development Agreement

**1.** A development agreement shall, at a minimum, include all of the following:

**a.** A description of the property subject to the agreement and the names of its legal and equitable property owners.

**b.** The duration of the agreement. The parties shall not be precluded from entering into subsequent development agreements that may extend the original duration period.

**c.** The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.

**d.** A description of public facilities that will serve the development, including who is responsible for providing the facilities, the date any new public facilities, if needed, will be constructed by, and a schedule to assure public facilities are available concurrently 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 constructing the proposed development (such as meeting defined completion percentages or other performance standards).

**e.** A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions agreed to by the developer that exceed existing laws related to protection of environmentally sensitive property.

**f.** A description, where appropriate, of any conditions, terms, restrictions, or other requirements for the protection of public health, safety, or welfare.

**g.** A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

**2.** 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. If required by ordinance or in the agreement, the development agreement shall 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 shall not, in and of itself, constitute a material breach of the development agreement pursuant to G.S. 160D-1008. Such a breach must be judged based upon the totality of the circumstances. If necessary, the developer may request a modification in the dates as set forth in the agreement.

**3.** If more than one local government is party to an agreement, the agreement must specify which local government is responsible for the overall administration of the development agreement. A local or regional utility authority may also be made a party to the development agreement.

**4.** The development agreement also may cover any other matter, including defined performance standards, not inconsistent with G.S. 160D. 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 does not include a tax or impact fee not otherwise authorized by law.

**5.** Any performance guarantees under the development agreement shall comply with Subsection 4.1.7. (Performance Guarantees).

**6.** Modifications. Consideration of a proposed major modification of the agreement shall follow the same procedures as required for initial approval of a development agreement. What changes constitute a major modification will be determined by Subsection 4.1.6 (Modifications), or as provided for in the development agreement.

**D.** Vesting

**1.** Unless the development agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a development agreement are those in force at the time of execution of the agreement.

**2.** Except for grounds specified in G.S. 160D-108(c) or G.S. 160D-108.1(f), the Town may not apply subsequently adopted ordinances or development policies to a development that is subject to a development agreement.

**3.** In the event State or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the Town may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the development agreement.

**4.** This Section does not abrogate vested rights otherwise preserved by law.

**E.** Breach and Cure

**1.** The Zoning Administrator or other appropriate officer of the Town shall periodically review the development of property subject to a development agreement, at which time the developer shall demonstrate good faith compliance with the terms of the development agreement.

**2.** If the Town finds and determines that the developer has committed a material breach of the agreement, the Town shall notify the developer in writing setting forth with reasonable particularity the nature of the breach, presenting the evidence supporting the finding and determination, and providing the developer a reasonable timeframe in which to cure the material breach.

**3.** If the developer fails to cure the material breach within the given timeframe, then the Town may unilaterally terminate or modify the development agreement; provided, the notice of termination or modification may be appealed to the Board of Adjustment in the manner provided by Section 4.4 (Special Use Permits, Variances, Appeals and Interpretations).

**4.** Penalties for breach-in-lieu of termination, including but not limited to penalties allowed for violation of a development regulation. Nothing in Article 10 of G.S. 160D shall be construed to abrogate or impair the power of the Town to enforce applicable law.

**5.** A development agreement shall be enforceable by any party to the agreement notwithstanding any changes in the development regulations made subsequent to the effective date of the development agreement. Any party to the agreement may file an action for injunctive relief to enforce the terms of a development agreement.

**F.** Amendment or Termination. Subject to the provisions of G.S. 160D-1006(e), a development agreement may be amended or terminated by mutual consent of the parties.

**G.** Change of Jurisdiction.

**1.** Except as otherwise provided by Article 10 of G.S. 160D, any development agreement entered into by a local government before the effective date of a change of jurisdiction shall be valid for the duration of the agreement, or eight (8) years from the effective date of the change in jurisdiction, whichever is earlier. The parties to the development agreement and the local government assuming jurisdiction shall have the same rights and obligations with respect to each other regarding matters addressed in the development agreement as if the property had remained in the previous jurisdiction.

**2.** The local government assuming jurisdiction may modify or suspend the provisions of the development agreement if the local government determines that the failure of the local government to do so would place the residents of the territory subject to the development agreement, or the residents of the local government, or both, in a condition dangerous to their health or safety, or both.

**I.** Recordation. The developer shall record the agreement with the Chatham County Register of Deeds within 14 days after the Town and developer execute an approved development agreement. No development approvals may be issued until the development agreement has been recorded. The burdens of the development agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

**J.** Applicability of Procedures to Approve Debt. In the event that any of the obligations of the Town in the development agreement constitute debt, the Town shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Town, with any applicable constitutional and statutory procedures for the approval of this debt.

## 4.4 Special Use Permits, Variances, Appeals, and Interpretations

### 4.4.1 Quasi-Judicial Procedures

The Board of Adjustment or Board of Commissioners shall follow quasi-judicial procedures in making decisions regarding appeals of administrative decisions, special use permits, variances, or any other quasi-judicial decision as designated. The purpose of the evidentiary hearing is to gather competent, material, and substantial evidence to establish the facts of the case, leading to written findings of fact and conclusions of law. Testimony shall be given under oath.

Parties with standing may participate fully in the evidentiary hearing, including presenting competent, material, and substantial evidence, cross-examining witnesses, objecting to evidence, and making legal arguments.

**A.** Notice of Hearing. Meetings of the Board of Adjustment for quasi-judicial proceedings shall be noticed by a posted notice of hearing and a mailed notice of hearing.

**1.** Posted Notice. The Town of Siler City shall post a sign with a notice of public hearing at least ten (10) days but no more than twenty-five (25) days prior to the date of the hearing. The notice shall state the date, time, and place of the hearing. The notice shall be of sufficient size to contain, and shall contain, heavy black lettering not less than three (3) inches high on a white background and shall be posted in a conspicuous location on the property or on an adjacent public street or highway right-of-way, which sign shall be legible from the nearest public road. Where the posting is not clearly visible from the nearest public right-of-way, a second directional sign which is clearly visible from the nearest public right-of-way shall be posted. When multiple parcels are included within a proposed amendment, a posting on each individual parcel shall not be required, but there shall be sufficient signs posted to provide reasonable notice to interested persons.

**2.** Mailed Notice of Hearing. Notice of hearings shall be mailed to the person or entity whose appeal, application or request is the subject of the public hearing; to the owner of the property that is subject to the public hearing, if different from the applicant; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other person entitled to receive notice as otherwise provided in this Ordinance. The County Tax listing shall be utilized to determine the owners entitled to receive mailed notice. The 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.

**B.** Continued hearings. An evidentiary hearing may be continued without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened. If a quorum is not present at a meeting, the evidentiary hearing shall be automatically continued to the next regular meeting of the Board of Adjustment with no additional notice.

**C.** Presentation of Evidence.

**1.** 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 of Adjustment determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

**2.** Presentation of Evidence. The applicant, the Town, and any person who would have standing to appeal the decision under G.S. 160D-1402(d) 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 of Adjustment. 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 of Adjustment. The Board of Adjustment chair shall rule on any objections and the chair's rulings may be appealed to the full Board of Adjustment. 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.

**3.** Administrative Materials. The Zoning Administrator or staff to the Board of Adjustment shall transmit to the Board of Adjustment all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the Board of Adjustment 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 inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the Board of Adjustment at the hearing.

**4.** Appearance of official, new issues. The Zoning Administrator, 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 of Adjustment shall continue the hearing.

**5.** Subpoenas. The board making a quasi-judicial decision under this Chapter 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 of Siler City, 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 appropriate court of 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.

**D.** Voting.

**1.** Voting on a Variance. The concurring vote of four-fifths (4/5) of the board shall be necessary to grant a variance.

**2.** Voting on all Other Matters. A simple majority of the members shall be required to issue a special use permit or to decide on any other matter coming before the Board of Adjustment.

**3.** Calculation of Majority. For the purposes of this Subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates to take the place of the members.

**E.** Quasi-Judicial Decisions. The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence entered in the record. Each quasi-judicial decision shall be written and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair. A quasi-judicial decision shall be effective upon filing the written decision with the clerk to the board. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. If the Board of Adjustment applies conditions to an approval, the applicant's and landowner's written consent to conditions shall be obtained to ensure enforceability.

**F.** Burden of Proof

**1.** Once a completed application has been submitted, the burden of presenting evidence to the Board of Adjustment sufficient to lead it to conclude that the application should be denied for any reason given by the findings of the application, shall be upon the party or parties urging this position, unless the information presented by the applicant in his application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists to so deny the application.

**2.** The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this Ordinance remains at all times on the applicant.

**G.** Record. Accurate minutes shall be kept of all quasi-judicial proceedings. Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the Town for at least two years.

**H.** Ex-Parte Communication. Ex-parte communication between an applicant or an affected party and a member of the decision-making body shall be prohibited. Any occurrence of ex-parte communication shall be disclosed during the quasi-judicial public hearing.

**I.** Judicial Review.

**1.** Every quasi-judicial decision shall be subject to review by the superior court of Chatham County by proceedings in the nature of certiorari pursuant to G.S. 160D-1402.

**2.** Appeals shall be filed within the times specified in G.S. 160D-1405(d). A copy of the writ of certiorari shall be served upon the Town of Siler City.

**3.** Statute of Limitation for Quasi-Judicial Decisions. Unless specifically provided otherwise, a petition for review of a quasi-judicial decision shall be filed with the Chatham County clerk of superior court by the later of thirty (30) days after the decision is effective or after a written copy thereof is given in accordance with G.S. 160D-406(j). When first-class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

### 4.4.2 Special Use Permits (SUP)

**A.** Application.

**1.** An application for a special use permit shall be submitted to the Board of Adjustment by filing an application with the Zoning Administrator.

**2.** A complete application shall be submitted by the first of the month preceding the month of the regularly scheduled meeting of the appropriate board.

**3.** The application shall include site plans submitted in accordance with Section 4.5 (Site Plan and Civil Construction Documents). The application shall also provide a full and accurate description of the proposed use including its location, appearance, and operational characteristics.

**4.** The Board of Adjustment may require additional information in order to evaluate the impact of the proposed development on the surrounding area.

**B.** Site Plan Review. The Planning Director or designee, and at their discretion, the Technical Review Committee, shall review and make recommendations concerning the site plans submitted in conjunction with requests for special use permits.

**C.** Quasi-Judicial Review. Special use permits require quasi-judicial proceedings according to Subsection 4.4.1 (Quasi-Judicial Proceedings).

**D.** In considering whether to approve an application for a special use permit, the Board of Adjustment shall proceed according to the following format:

**1.** The board shall consider whether the application complies with all of the applicable requirements of this Ordinance.

**2.** Required Findings. The Board of Adjustment shall issue a special use permit only after making all of the following affirmative findings based on evidence presented at the hearing:

**a.** That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;

**b.** That the use meets all required conditions and specifications;

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

**d.** That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Siler City Land Use Plan.

**3.** Conditions. The Board of Adjustment may attach reasonable conditions to the special use permit in addition to those specified in this Ordinance. The Board shall attach only those conditions permitted under Subsection 4.1.4. (Conditions of Approval).

**4.** Uses Approved in a Conditional Zoning District. No separate special use permit shall be required for a use which has been permitted as part of a conditional zoning district adopted by the Board of Commissioners, and which meets the requirements of this Ordinance.

### 4.4.3. Variances

**A.** Limitations. The Board of Adjustment shall not grant a variance to permit a use not permitted in the applicable zoning district.

**B.** Public Hearing. Applications for variances may be approved by the Board of Adjustment after holding a duly advertised quasi-judicial public hearing in the manner outlined in Subsection 4.4.1. (Quasi-Judicial Procedures).

**C.** Hardship. When unnecessary hardships would result from carrying out the strict letter of the Ordinance, the Board of Adjustment may vary any of the provisions of the Ordinance upon a showing of all of the following:

**1.** That an unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of a variance, no reasonable use can be made of the property;

**2.** The hardship results from conditions that are peculiar to the property, such as its 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, shall 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 property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-imposed hardship; and;

**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.** Submittal Requirements. The applicant shall submit a written report addressing each of the above hardship factors with the application for a variance. The Planning Director or designee may require the submittal of plans pursuant to Section 4.5. (Site Plan and Civil Construction Documents) when necessary to determine compliance of the requested variance with the regulations of this Ordinance.

**E.** Decision. Any variance shall observe the spirit and purpose of this Ordinance and shall be granted only with reference to conditions and circumstances peculiar to the property involved. If the Board of Adjustment denies the application for a variance, it shall enter the reasons for the denial in the minutes of the meeting at which the action was taken.

**F.** Conditions. Upon consideration of the factors listed above and the purposes of this Ordinance, the Board of Adjustment may attach such conditions to the granting of variances pursuant to Subsection 4.1.4. (Conditions of Approval) to further the purposes and objectives of this Ordinance.

**G.** Voting on Variance Requests. The concurring vote of four-fifths (4/5) of the board shall be necessary to grant a variance. For the purposes of this Subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates to take the place of the members.

### 4.4.4 Appeals and Interpretations

The Board of Adjustment shall hear and decide upon appeals to any written administrative decision described in this Ordinance.

**A.** Decision to be in Writing. Only written decisions or determinations meeting the requirements of Section 4.8 (Development Approvals and Notices of Determination) shall be appealed. A decision shall include any final and binding order, requirement, or determination.

**B.** Filing of Appeal.

**1.** A person wishing to appeal shall file a written notice of appeal to the Zoning Administrator or the Board of Adjustment. A notice of appeal shall be considered filed when delivered to the Planning Department, and the date and time of filing shall be entered on the notice by Planning staff. The notice of appeal shall include a copy of the written decision that is the subject of the requested appeal or interpretation.

**2.** A petition may be filed under this Section only by a petitioner who has standing to challenge the decision being appealed. Persons possessing any of the following criteria shall have standing to file:

**a.** An ownership interest in the property that is the subject of the decision being appealed; a leasehold interest in the property that is the subject of the decision being appealed; or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.

**b.** An option or contract to purchase the property that is the subject of the decision being appealed.

**c.** An applicant before the Board of Adjustment whose decision is being appealed.

**d.** Any other person who will suffer special damages as the result of the decision being appealed.

**e.** An incorporated or unincorporated association to which owners or lessees of property in a designated area belong to by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster

the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.

**3.** A party that receives a written decision, or a party with standing, shall have thirty (30) days from constructive notice of the decision to appeal. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date the landowner or applicant posts a sign on the property using six (6) inch (6) letters with the words "ZONING DECISION" or "SUBDIVISION DECISION" along with information identifying the means to contact an official for information about the decision in a prominent location on the property for at least ten (10) days. Posting of the signs shall not be the only form of constructive notice. Verification of the posting shall be provided by the owner or applicant to the official who made the decision.

**C.** Responsibility of Town Official. The official who made the decision under appeal shall transmit to the Board of Adjustment all documents and exhibits constituting the record upon which the action being appealed is taken from. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner. The official who made the decision, or their successor, shall be present at the hearing as a witness. The appellant may not be limited at the hearing to matters stated in the notice of appeal. If any party or the Town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board of Adjustment shall continue the hearing.

**D.** Stay of Enforcement. An appeal of a notice of violation or other enforcement action shall stay enforcement of the action being appealed, unless the official who made the decision certified to the Board of Adjustment after notice of appeal has been filed that because facts stated in the affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within fifteen (15) days after the request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the Ordinance shall not stay the further review of an application for permits or permissions to use the property; in these situations the appellant may request and the Board of Adjustment may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed. Otherwise, the Board of Adjustment shall hear and decide the appeal within a reasonable time.

**E.** Decisions. Decisions on appeals and interpretations shall be made according to a duly advertised public hearing in the manner outlined in Subsection 4.4.1 (Quasi-Judicial Procedures).

## 4.5 Site Plan and Civil Construction Documents

The provisions of this Section shall apply to all site plans required to be submitted for review and recommendation or approval by Department of Planning and Development staff, the Planning Board, the Town Board of Commissioners, or the Board of Adjustment. No building permit shall be issued on a lot until the appropriate plan requirements of this Section have been met. All site plans must demonstrate compliance with the requirements of this Ordinance and the floodplain, stormwater, and watershed requirements of Chapter 11, (Water Management).

### 4.5.1 Site Plans

**A.** Application. An application for site plan approval may only be submitted by the owner, any other person having a contractual interest in the land, or their authorized agent. Site plan applications shall be submitted to the appropriate approval authority for the type of development approval requested, outlined in the Table of Development Review Responsibilities at the beginning of this Chapter.

**B.** Submittal Requirements. Site plans shall be submitted according to the requirements of Appendix A. Site plans shall comply with fire and building code standards and all other relevant and applicable provisions of this Ordinance.

**C.** Minor Site Plans

**1.** Minor site plans meeting the requirements of this Section shall be required for uses approved administratively by the Zoning Administrator as identified in the permitted use tables of Chapter 7 (Tables 7.6, 7.7, and 7.8).

**2.** All minor site plans shall be reviewed by Planning and Development staff and presented to the TRC for comments as needed. A minor site plan shall accompany an application for a Zoning Permit and subsequent building permits. A minor site plan shall be drawn to scale and shall show the placement of proposed structures and other development intended for a site. A minor site plan shall not require construction documents pursuant to Subsection 4.5.2 (Civil Construction Documents). A plan for development that requires the submittal of construction documents shall be considered a Major Site Plan.

**D.** Major Site Plans.

**1.** Major site plans meeting the requirements of this Section shall be required for the following:

**a.** Site specific vesting plans pursuant to establishing vested rights, as identified in Section 4.9 (Permit Choice and Vested Rights);

**b.** Uses identified in the permitted use tables of Chapter 7 (Tables 7.6, 7.7, and 7.8), identified as requiring Planning Board review:

**c.** Requests for a conditional zoning district; and

**d.** Requests for a variance.

**2**. Review and Approval Process for Major Site Plans.

**a.** All major site plans shall be initially reviewed by Planning and Development staff, presented to the TRC for comments or approval as appropriate, and presented to the appropriate board for approval. It is advisable for the applicant to present conceptual plans to the Planning and Development staff and/or TRC prior to formal application to avoid unnecessary expenses.

**b.** All major site plans require the concurrent submittal of construction documents pursuant to Subsection 4.5.2 (Civil Construction Documents).

**d.** Site plans required as part of a conditional zoning or special use permit request may be approved concurrently with the zoning permit pursuant to Sections 4.5 (Site Plan and Civil Construction Documents) and 4.7 (Zoning Permits).

**e.** All site plans submitted as part of a conditional rezoning shall be consistent with the purposes, goals, objectives and policies of the Siler City Land Use Plan.

**D.** Effect of Site Plan Approval. Approval of a site plan shall be deemed to authorize the Planning Director or designee to grant zoning approval for an application for a building permit.

**E.** Modifications and Amendments. The Planning Director or designee may only grant modifications to site plans in compliance with the provisions of Subsection 4.1.6 (Modifications).

### 4.5.2 Civil Construction Documents

**A.** Uses and Activities Requiring Civil Construction Plans. A civil construction plan meeting the requirements of this Section shall be submitted in conjunction with the following:

**1.** Any commercial development or redevelopment requiring a major site plan for approval.

**2.** Any residential subdivision that includes construction and dedication of streets and/or utilities.

**3.** Any residential development that requires a watershed permit.

**4.** Grading activities involving an area greater than one (1) acre in size.

**B.** Application Submittal, Review and Approval Process. Civil construction plan applications shall be submitted to the Department of Planning and Development. The Technical Review Committee will review and make recommendations to the Zoning Administrator for final approval.

**C.** Compliance with Other Standards. In addition to the requirements of this Ordinance, all civil construction plans shall comply with the following standards:

**1.** Site Plan Compliance. Civil construction documents must comply with any site plans approved for the site being developed.

**2.** Environmental Regulations. Civil construction documents shall comply with Chapter 11, (Water Management), and all other applicable state and federal requirements relevant to environmental conservation and protection.

**3.** Other Relevant Standards. Civil construction documents shall comply with the fire and building code standards and all other relevant and applicable provisions of this Ordinance.

## 4.6 Subdivision Plats

Submittal, review and approval procedures for subdivision and exempt plats are included in Chapter 8, Subdivisions and Appendix A.

## 4.7 Zoning Permits and Certificates of Occupancy

Occupancy of a building or site prior to the issuance of a required zoning permit shall constitute a violation subject to the provisions of Chapter 3 (Enforcement).

**A.** Zoning Permits

**1.** When Required. A zoning permit shall be obtained from the Planning Director or designee prior to the following:

**a.** The construction, reconstruction, erection, enlargement, relocation, or structural alteration of any building or structure with the exception of work interior to the building or structure.

**b.** Any use or improvement which requires a building permit pursuant to G.S. 160D-1110.

**c.** Any other activity or use requiring the issuance of a zoning permit in this Ordinance to include permits required for the approval of:

**1)** Signs

**2)** Changes of Use

**3)** Changes of Occupancy

**4)** Temporary Uses

**2.** Compliance with Zoning Requirements. Zoning Permits may not be issued for any development or change of use not permitted by the applicable zoning district or any plans and conditions associated with a board approved application.

**3.** Zoning Permit Application. An application for a zoning permit shall be made to the Planning Director or designee by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for approval for the development as is authorized by the easement.

**a.** Zoning permit applications shall include a statement as to the intended use of the building or land.

**b.** Applications for zoning permits for development shall include a scaled site plan showing existing conditions and proposed development as necessary for the Zoning Administrator to review for compliance with the requirements of this Ordinance and Chapter 11, (Water Management).

**c.** Applications for zoning permits that require board approval shall include a major site plan meeting the requirements of Subsection 4.5.1.D. (Major Site Plans) and Appendix A.

**4.** Action Within One Year. Pursuant to Subsection 4.9.2.D. (Duration and Types of Statutory Vested Rights zoning permit approvals shall expire one (1) year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established through a site-specific vesting plan, a multiphase development plan, a development agreement, or vested rights established under common law.

**B.** Use and Occupancy Permit. A use and occupancy permit is a type of zoning permit intended to ensure the commercial space of new and relocating businesses complies with all building, fire, and zoning regulations prior to opening to protect the health, safety, and welfare of future occupants. A use and occupancy permit shall be required prior to the opening of a new business, when an existing business is moving to a new location, and other changes of use. Businesses making alterations to an existing space shall also require a Building Permit.

**1.** An application for a use and occupancy permit shall be made to the Planning Director or designee by the landowner, a lessee or person holding an option or contract to purchase or lease a commercial building or space, or an authorized agent of the landowner. Use and occupancy permit applications shall include a detailed statement as to the intended use of the building or land.

**2.** A use and occupancy permit issued in accordance with this Chapter shall serve also as a zoning permit, and in such cases the cost of the use and occupancy permit shall be the only fee charged.

**C.** Temporary Use Permit. A temporary use permit is a type of zoning permit intended to ensure the requirements of this Ordinance are met. Temporary use permits shall be issued or renewed by the Planning Director or designee in compliance with Section 7.5 (Temporary Uses), provided that the permits are issued only upon written agreement by the owner to remove the structures or uses upon expiration of the permit.

**1.** All applications for temporary use permits shall be made to the Planning Director or designee by the owner or authorized agent.

**2.** Before the issuance of a temporary use permit, the Planning Director or designee shall determine that all other pertinent regulations which may apply to such proposed use are complied with.

**D.** Withholding Permits. A zoning permit may not be withheld, nor a certificate of occupancy withheld, in order to compel compliance with a permit or ordinance on another property.

**E.** Certificate of Occupancy. Any development that requires a building permit and Certificate of Occupancy shall not be issued until the Zoning Administrator approves a Checklist for Certificate

of Occupancy included in Appendix C Design and Construction Guidelines.

## 4.8 Development Approvals and Notices of Determinations

The Zoning Administrator shall be charged with making determinations regarding development regulation.

**A.** The Zoning Administrator shall give written notice 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. The notice shall be 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.

**B.** After a development approval has been issued, no deviations from the terms of the application or the development approval shall be made until written approval of proposed changes or deviations has been obtained.

**C.** The Zoning Administrator or their assignee may inspect work undertaken pursuant to a development approval to ensure that the work is being done in accordance with applicable State and local laws and the terms of the approval. In exercising this power, the Zoning Administrator or their assignee shall be authorized to enter any premises within the zoning jurisdiction of Siler City 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 that an appropriate inspection warrant has been secured.

**D.** In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the authority issuing the development approval by notifying the holder in writing stating the reason for the revocation. The same development review and approval process required for 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 Siler City 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 an administrative development approval or determination pursuant to this Chapter, the provisions in Subsection 4.4.D (Stay of Enforcement) shall apply.

## 4.9 Permit Choice and Vested Rights

### 4.9.1 Permit Choice

If an application for development approval has been made, and after the date of that application a development regulation changes or is proposed, the applicant may choose for their project to be regulated by the version of the development regulation existing at the time of application. The applicant may choose the existing regulation without waiting for final action on the proposed regulation change.

### 4.9.2 Vested Rights

**A.** Purpose. Zoning vested rights as established under G.S. 160D-102, -108, and -108.1 ensure that a properly issued development approval shall remain in effect despite any changes to zoning regulations affecting the type and intensity of use allowed on the property.

**B.** Establishment of Vested Right. A vested right shall be established with respect to any property following the valid approval, or conditional approval, of one of the qualifying plan types in Subsection D below. The Zoning Administrator shall determine whether a submitted plan triggers a vested right and identify it as such upon approval. For the purposes of this Section, plans subject to the approval authority of the Board of Adjustment shall be approved when the Board votes to approve the application and issue a permit. Plans subject to the approval authority of the Zoning Administrator shall be approved when the fully executed permit is delivered to the permit recipient via pickup by hand, email, or mail.

**C.** Process to Claim a Vested Right. A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Zoning Administrator. The Zoning Administrator shall determine whether a vested right exists. The Zoning Administrator's determination may be appealed to the Board of Adjustment. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination, a person claiming a vested right may take an original civil action appeal to Chatham County Superior Court.

**D.** Duration and Types of Statutory Vested Rights. The following types of approvals shall constitute a vested right when meeting the appropriate submittal and approval requirements of this Chapter:

**1.** Building Permits, Six (6) Months. Pursuant to G.S. 160D-1111, a building permit shall expire six months after issuance, unless work under the permit has commenced. If after commencement the work is discontinued for a period of twelve (12) months, the permit shall immediately expire. No work authorized by any building permit that has expired shall thereafter be performed until a new permit has been secured.

**2.** Other Development Approvals, One (1) Year. Pursuant to G.S.160D-403, unless otherwise specified by statute or local ordinance, all other development approvals shall expire one year after issuance unless work has substantially commenced. Expiration of a development approval shall not affect the duration of a vested right established under this Section or vested rights established under common law.

**3.** Site-Specific Vesting Plans, Two (2) Years. Plans that qualify as a site-specific vesting plan meeting the requirements of G.S. 160D-108.1 shall be vested for two years after approval by the appropriate authority Amendments shall not extend the vesting period unless specified at the time of approval. Examples of site-specific vesting plans include:

**a.** A preliminary subdivision plat meeting the requirements of Chapter 8 (Subdivision Regulations), and approved by the TRC;

**b.** Uses, plans, and conditions approved via the special use permit process in accordance with Subsection 4.4.2 (Special Use Permits);

**c.** A concept plan or master development plan submitted as part of a conditional rezoning request, meeting the requirements of G.S. 160D-108.1 and approved by the Board of Commissioners.

**d.** Other types of plans provided they meet the following criteria:

**1)** The plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

**2)** If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it shall not constitute a site-specific vesting plan.

**4.** Multi-Phase Developments, Seven Years. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

**5.** Development Agreements, Indefinite. A vested right of reasonable duration may be specified in a development agreement that has been approved under G.S. 160D-1001.

**E.** Effect of Approval.

**1.** A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site-specific vesting plan as provided for in this Chapter. Failure to abide by the terms and conditions placed upon such approval shall result in the forfeiture of the vested right previously accorded.

**2.** A vested right, once established as herein provided, shall preclude 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 the approved site-specific development except under the following conditions:

**a.** The affected landowner provides written consent to the Town of his desire to terminate the vested right; or

**b.** The Town determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety, and welfare if the project were to proceed as indicated in the site-specific vesting plan; or

**c.** Compensation is made by the Town to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or

**d.** The Town determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the site-specific vesting plan; or

**e.** Upon the enactment or promulgation of a State or Federal law or regulations which preclude development as contemplated in the site-specific vesting plan. In such a case the Town may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.

**2.** Once a vested right is granted to a particular site-specific vesting plan, nothing in this Chapter shall preclude the Town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

**F.** Extension. The Town Board of Commissioners may extend the vested rights period from two (2) to five (5) years if it determines the extension is warranted upon considering all relevant circumstances, including but not limited to the size and phasing of the development, the level of investment, the need for development in the area, economic cycles, and market conditions. If the landowner requests, a vesting period can be extended, subject to the approval process for the original vesting, for a period not to exceed five (5) years from the date of approval.

**G.** Expiration, Limitations, and Revocation

**1.** The vested right resulting from the approval of a site-specific vesting plan may be revoked by the Town Board of Commissioners if such body determines that the landowner has failed to comply with the terms and conditions of the approval or with any other applicable portion of this Ordinance. The vested right shall otherwise expire at the end of the approval period established by the Board of Commissioners.

**2.** A valid development approval shall not expire if work on the project has substantially commenced within the initial validity period. Substantial commencement of work shall be determined by the Zoning Administrator based on any of the following:

**a.** A valid erosion and sedimentation control permit has been received and maintained for the subject property, and grading activity has been undertaken on a continuous basis and not discontinued for a period of more than thirty (30) days;

**b.** Substantial infrastructure has been constructed or installed on the subject property; or

**c.** A valid building permit for the construction and approval of a building foundation has been received and maintained for the subject property.

**3.** Even if work has substantially commenced, a development approval shall still expire if development work has been intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, as calculated and tolled pursuant to G.S. 160D-108.

**4.** A building permit issued by Chatham County pursuant to G.S. 160D-403, 1110 may not be revoked because of the running of time on a piece of property for which a site-specific vesting plan has been approved and the vested right period has not otherwise expired.

**5.** The establishment of a vested right on a piece of property for a site-specific vesting plan shall not preclude the Town Board of Commissioners from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.

**6.** Revocation of any site-specific vesting plan designation shall eliminate the vested right established by approval of the site-specific vesting plan designation but shall not itself terminate any unexpired development permit or approval associated with the plan.

**H.** Annexation. Petitioners requesting annexation into the Siler City corporate limits under this Ordinance shall file a signed statement declaring whether or not any vested rights of the properties 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 the petitioners to provide proof of such rights. A statement which declares that no vested rights have been established under G.S. 160D-108 shall be binding upon the landowner and any such vested right shall be terminated.

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# CHAPTER 5: ZONING

## 5.1 Zoning Generally

### 5.1.1 Zoning Established

All the area within the zoning jurisdiction of the Town of Siler City is hereby divided into zoning districts within which the use of land and water areas, the location, height and bulk of structures, the provision of parking and loading areas, and other development requirements, are regulated by this Chapter. Land use regulations, including tables of permitted uses for each district, are set forth in Chapter 7 (Land Uses and Use-specific Development Standards).

**A.** Application of Regulations

**1.** No building or land shall hereafter be used, or its use changed, and no building or part thereof shall be erected, moved, or altered except in conformity with the following regulations:

**a.** Zoning district standards and requirements of this Chapter;

**b.** Chapter 6 (Development Standards Applicable to all Uses);

**c.** Chapter 7 (Land Uses and Use-specific Development Standards)

**d.** The floodplain, stormwater, and watershed requirements of Chapter 11 (Water Management); and

**e.** All other regulations of this Ordinance, as applicable.

**2.** Where property is located within a Water Supply Watershed or Flood Damage Prevention overlay area subject to the requirements of Chapter 11 (Water Management), the most restrictive requirements for size, coverage, or dimensional regulation shall apply and prevail.

**3.** The regulations established for each zoning district by this Chapter shall be the minimum standards and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

**B.** Official Zoning Map

**1.** There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map may exist in paper and/or digital form, shall be dated, and shall be kept and maintained for public inspection in the office of the Planning and Community Development Department.

**2.** In the creation of the respective districts by this Ordinance, careful consideration shall be given to the suitability of each district for the particular uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the community.

**3.** The Official Zoning Map dated August 1, 1993, is adopted and incorporated herein by reference.

**4.** Amendments to the Official Zoning Map

**a.** Amendments to the Official Zoning Map may be proposed using the procedures in Chapter 4 (Procedures).

**b.** The Zoning Administrator shall update the official Zoning Map as soon as possible following amendment.

**c.** No unauthorized person shall alter or modify the Official Zoning Map.

**d.** The Planning and Community Development Department shall keep copies of superseded copies of the zoning map for historical reference. These maps shall be made available for public inspection upon request.

**5.** Interpretation of Zoning District Boundaries. Where uncertainty exists as to the boundaries of any zoning district as shown on the Official Zoning Map, the following rules shall apply:

**a.** Where district boundaries are so indicated that they approximately follow lot lines, such lotlines shall be construed to be said boundaries.

**b.** Where district boundaries are so indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of same, the centerline of such district boundaries shall be construed to be said boundaries.

**c.** Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term “least restricted” shall refer to zoning restrictions.

**d.** Split Jurisdiction. If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, the local governments may by mutual agreement, pursuant and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction for the entire parcel to any one of those local governments pursuant to G.S. 160D-203 resolution.

### 5.1.2 Zone Lot Standards

**A.** Relationship of Building to Lot. Every building hereafter erected, moved or structurally altered shall be located on a lot. Lots may include one or more principal and accessory buildings as allowed by this Ordinance.

**B.** Reduction of Lot and Yard Area Prohibited.

1. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except where such reduction is the result of a governmental action such as obtaining necessary right-of-way for a street widening project.

2. Density credits or severable development rights shall be given for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.

3. Pursuant to Section 4.9 (Permit Choice and Vested Rights), yards or lots approved after [Ordinance effective date] shall meet the minimum requirements of Table XX except as otherwise allowed by this Ordinance.

4. No part of any yard, other open space, or off-street parking or loading space required for any building, structure or other use shall be considered to be a part of a required yard, open space, off street parking or loading space for any other buildings, structures or use unless explicitly provided to the contrary in this Ordinance.

**C.** Road Access Required. No building or structure shall be constructed, erected, or placed on a zoning lot without open and passable access from the street where the assigned address is located to the principal building or structure. Every zoning lot shall have access to a public street or other public right-of-way legally dedicated through one of the following methods:

1. Frontage. With the exception of lots fronting cul-de-sacs, all lots shall have a minimum of frontage on a public or private street equal to the minimum lot width allowed by the applicable zoning district. Lots fronting on a cul-de-sac shall have a minimum frontage of 32.5 feet. Reserve strips controlling access to streets shall not be allowed within subdivisions approved after adoption of this Ordinance.

2. Exclusive Access Easement. An exclusive access easement may serve as the only access to a lot in the following circumstances:

   **a.** A maximum of one (1) single-family dwelling and one (1) accessory dwelling unit (along with any allowed uninhabited accessory structures) shall be accessed by any exclusive access easement.

   **b.** Said exclusive access easement shall be a minimum of twenty-five (25) feet in width.

   **c.** The centerline and width of the exclusive access easement must be shown on a plat recorded with the Chatham County Register of Deeds.

## 5.2 Zoning Districts Established

All land within the town's planning jurisdiction shall be classified as one or more of the general, conditional, special or overlay zoning districts identified in the permitted use tables of Chapter 7 (Tables 7.6, 7.7, and 7.8).

### 5.2.1 General, Conditional, Special and Overlay Districts Distinguished.

The zoning districts in this Chapter are classified as General, Conditional, Special and Overlay districts.

**A.** General Zoning Districts. General zoning districts regulate the use of land and buildings through specific dimensional requirements, uses, and development standards. When zoned to a general zoning district, all standards and uses permitted for the district shall apply to the property.

**B.** Conditional Zoning Districts. There are circumstances where the nature or scale of predetermined general zoning district requirements are not appropriate to development that is consistent with the objectives of this Ordinance and officially adopted plans. Therefore, in addition to the general use zoning districts established in this Ordinance, each district shall have a corresponding conditional zoning district which may be established in accordance with the provisions of this Section. Conditional zoning regulates development for a particular property with specific standards and conditions, imposed as part of the legislative decision creating the district, and mutually agreed-upon by the town and the applicant(s). All descriptions and definitions which apply to a general use zoning district also apply to the corresponding conditional zoning district. Conditional zoning districts are generally established as companion districts to the corresponding General District. Each General zoning district has an accompanying Conditional Zoning District designated with the suffix: ”C.” This is a voluntary rezoning procedure that is intended for firm development proposals.

**C.** Special Districts are a type of conditional zoning district that accommodates a plan of development that would be unbuildable under any of the regulations of a general zoning district. The regulation of these districts is individualized to a particular location and its unique characteristics. Special districts are distinguished by the submittal of a detailed master plan and other conditions that establish regulations applicable to a specific development goal for a particular acreage.

**D.** Overlay Districts. Overlay districts include regulations which apply to certain areas in addition to the regulations applicable to the underlying general, conditional, or planned development district standards and requirements. Overlay districts are used to address a specific type of development, land use, or character. With the exception of special zoning districts, land in any other zoning district may also be classified into one or more overlay zoning districts. Where a conflict exists between overlay district standards and requirements and those of the underlying district, the more restrictive shall apply.

### 5.2.2 Table of Zoning Districts

| Table 5.1 Zoning Districts | | |
|---|---|---|
| **District Abbreviation** | **Corresponding Conditional District Abbreviation** | **District Name** |
| **Residential Districts 1** | | |
| A-R | A-R-C | Agricultural District |
| R-20 | R-20-C | Large Lot Residential District |
| R-10 | R-10-C | Suburban Residential District |
| R-6 | R-6-C | Urban Residential District |
| R-3 | R-3-C | High-Density Residential District |
| R-MH | R-MH-C | Manufactured Housing District |
| **Business and Office Districts** | | |
| C-C | C-C-C | Central Business District |

| | | |
|---|---|---|
| B-1 | B-1-C | Neighborhood Business District |
| G-C | G-C-C | General Commercial District |
| H-C | H-C-C | Highway Commercial District |
| O-I | O-I-C | Office Institutional District |
| **Industrial Districts** | | |
| L-I | L-I_C | Light Industrial District |
| H-I | H-I-C | Heavy Industrial District |
| **Special Districts** | | |
| | | |
| PUD[2] | | Planned Unit Development District |
| **Overlay Districts** | | |
| DSCD | Downtown Siler City Overlay District | |
| | | |

[1] *Property proposed for residential development over 12 lots* and/or public street and utility construction *is only allowed in a conditional district.*

[2]*PUD Districts are only allowed as conditional districts*

### 5.2.3 Residential Districts

Each of the residential districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that are not intended to serve the immediate neighborhood. Other objectives of some of these districts are explained in the remainder of this Section.

**A.** A-R District. The A-R District is designed to accommodate agricultural and residential uses normally associated with:

**1.** Large tracts of uninhabited land near the fringe of urban areas.

**2.** Single-family residential development in areas not served by town or county water and sewer facilities and that are not yet appropriate for development at higher densities. Some types of manufactured homes are allowed to be used for single-family residential purposes in this district.

**B.** R-20 District. The R-20 District is designed to accommodate single-family detached residential uses, excluding HUD-Code manufactured homes, on larger lots, in areas served by Town water and sewer.

**C.** R-10 District. The R-10 District is designed to accommodate single-family detached residential uses, excluding HUD-Code manufactured homes; two-family homes, and multifamily development at suburban densities in areas served by Town water and sewer facilities.

**D.** R-6 District. The R-6 District is designed to accommodate single-family detached, two-family, and multifamily dwelling units, as well as some types of HUD-Code manufactured homes used as single-family residences.

**E.** R-3 District. The R-3 District is designed to accommodate higher density multifamily development.

**F.** R-MH District. The R-MH District is designed to accommodate HUD-Code manufactured homes and manufactured home parks.

### 5.2.4 Business and Office Districts

The following business and office districts are hereby established: C-C, B-1, O-I, G-C, and H-C. These districts are created to accomplish the purposes and serve the objectives set forth in the remainder of this Section.

**A.** C-C District. The C-C (Central-Business) District is designed to accommodate a wide variety of commercial activities which are oriented towards pedestrians and will result in the most intensive and attractive use of the town's central business district. Some residential uses are also appropriate in this district.

**B.** B-1 District. The B-1 (neighborhood-business) District is established to provide convenient retail areas in close proximity to residential neighborhoods. No industry, industrial, or wholesale business shall be allowed within the district.

**C.** O-I District. The O-I (office-institutional) District is designed to accommodate a mixture of office, institutional, and multifamily residential uses. It is intended that this zoning classification be applied primarily in areas of high traffic volumes on adjacent streets or because of other market factors that are suitable as locations for multifamily residential developments or offices.

**D.** G-C District. The G-C (general-commercial) district is designed to accommodate a mix of nonresidential and multifamily residential outside of the town's central business district.

**E.** H-C District. The H-C (highway-commercial) District is designed to accommodate the widest range of commercial activities including businesses that primarily draw from and provide services to major thoroughfares.

### 5.2.5 Industrial Districts

The following industrial districts are hereby established primarily to accommodate enterprises engaged in the industrial, processing, creating, repairing, renovation, painting, cleaning, or assembling of goods, merchandise, or equipment: Heavy Industrial (H-I) and Light Industrial (L-I). The uses in these districts are subject to the standards of the particular use as well as the standards of Subsection 7.3.4.52 (Industrial Use Types).

**A.** L-I District. The L-I (Light-Industrial) District is designed to accommodate a wide variety of industrial activities which generate moderate impacts on adjacent properties.

**B.** H-I District. The H-I (Heavy-Industrial) District is established to accommodate a wide variety of industrial activities which may generate significant impacts on adjacent properties.

### 5.2.6 Special Districts

**A.** PUD District

**1.** Purpose and Intent. The Planned Unit Development (PUD) District is established to encourage innovative land planning and site design concepts that support development which respects surrounding land use patterns and architectural character; attractive streetscapes which accommodate motorists, cyclists and pedestrians; environmental sensitivity; energy efficiency; and other town goals. Planned Unit Development may only be requested as a conditional zoning district.
A planned development application is distinguished by the submittal of a detailed master plan and other conditions that establish regulations applicable to the particular development at the time of rezoning.

**2.** General Standards for All Planned Unit Developments

**a.** Establishment. A planned development is established in accordance with the application requirements of Section 4.2.3. C. (Application), Appendix A (Plan Submittal Requirements, the approval procedures for a conditional zoning map amendment, and the requirements of this Section. The minimum size of a Planned Unit Development shall be five (5) acres.

**b.** Uses, Densities/Intensities. The housing types and densities for residential development and the uses and intensities for non-residential development applicable in each development area of a PUD district shall be as established in the master plan meeting the requirements of Subsection 4.2.3.C.2. (Master Development Plan) Allowed uses shall be consistent with adopted policy guidance, the purpose of the particular PUD district, and subject to any additional limitations or requirements set forth in Chapter 7 (Land Uses and Use-Specific Development Standards). Nothing shall limit an applicant from seeking to modify an otherwise applicable use-specific standard in accordance with the standards of Subsection 4.1.4. (Conditions of Approval).

**c.** Dimensional Standards. The dimensional standards applicable in each development area of a PUD district shall be as established in the master plan meeting the requirements of Subsection 4.2.3.C.2. (Master Development Plan).

**d.** Development Standards. The development standards applicable in each development area of a PUD District shall be as established in the conditions and master plan. Development standards applicable to individual uses included in this Ordinance shall be as established in Chapter 7 (Land Uses and Use-Specific Development Standards) unless otherwise stated in the plans and conditions of the PUD

**e.** Compliance with Water Management Standards. In no instance shall a PUD seek to modify, waive, or reduce any of the standards of Chapter 11 (Water Management).

**f.** On-Site Public Facilities

**1)** Design and Construction
The master plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable Town,

State, and federal regulations.

**2)** Dedication. The master plan shall establish the responsibility of the developer/landowner to dedicate to the public the right-of-way and easements necessary for the construction or installation of required and proposed onsite public facilities in compliance with applicable Town, State, and federal regulations.

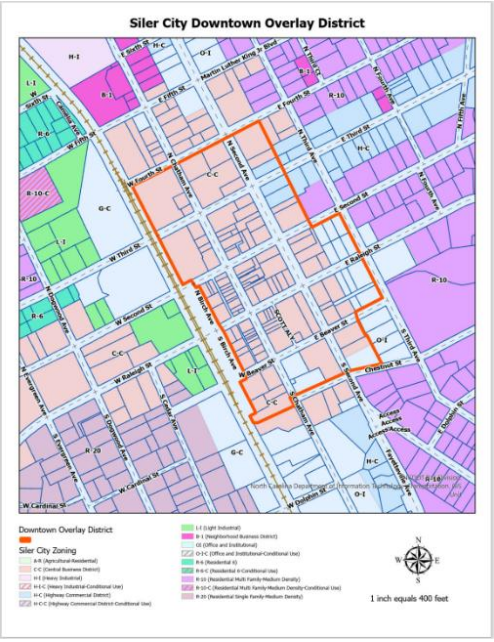
**i.** Compliance With Subdivision and Site Plan Standards. Property that is part of a Planned Unit Development District is subject to the standards and regulations of subdivision platting, site plans, water management permits, and zoning and building permits prior to the start of development. Requests for approval shall be made according to the relevant sections of Chapter 4 (Procedures) and shall meet the conditions of the PUD's zoning approval**.**

**j.** Amendments to Approved Master Plan. Amendments or modifications to a master plan shall be considered in accordance with the standards in Subsection 4.1.6 (Modifications).

### 5.2.7 Overlay Districts

**A.** DSCD. Downtown Siler City Overlay District. The DSCD is established to promote new development and reuse of existing structures which is in keeping with the small- town urban character of Siler City's central core. Development within the DSCD District shall be subject to the following additional standards:

**1.** The boundaries of the DSCD are defined in the illustration below.




**Downtown Overlay District**

**2.** Development Standards of the DSCD (Placeholder).

## 5.3 Zoning District Dimensional Standards

### 5.3.1 District Dimensional Requirements

In all zoning districts with the exception of PUD districts, every use of a building, structure, or piece of land hereafter erected, modified, enlarged, or increased in capacity shall comply with the dimensional requirements set forth in this Section.

**A.** Sections of this Ordinance Applicable to Dimensional Requirements.
Dimensional requirements specify minimum lot area, minimum lot width, minimum setbacks, maximum height, and minimum contiguous area, where applicable. Dimensional Requirements found in Chapter 6 (Development Standards Applicable to all Uses) and Chapter 7 (Land Uses and Use-Specific Development Standards) may also apply in addition to the dimensional requirements of this Chapter.

**B.** Nonconforming Situations and Variances. There shall be no variations from the dimensional requirements of this Section except administrative adjustments allowed by Subsection 4.1.6 (Modifications), in nonconforming situations as provided by Chapter 9 (Nonconforming Situations) or where the Board of Adjustment may grant a variance pursuant to Section 4.4 (Special Use Permits, Variances, Appeals and Interpretation) and Interpretations by the Board of Adjustment.

### 5.3.2 Table of Zoning District Dimensional Requirements

**A.** The dimensional requirements of Table 5.2 below shall apply to all uses allowed within the listed zoning districts, except where use-specific dimensional standards exist in Chapter 7 (Land Uses and Use-Specific Development Standards). Deviations from the standards of Table 5.2 may only be proposed through a preliminary plat submitted as part of the Conditional Zoning, PUD, or Cluster Development review processes. Except as otherwise allowed by this Ordinance, no portion of any building, structure or fence on a lot may be located closer to any lot boundary line or adjacent right-of-way than is noted in Table 5.2.

**B.** The requirements of Chapter 11 (Water Management) and the Chatham County Department of Public Health may result in larger lot sizes than those listed in Table 5.2.

**Table 5.2. Zoning District Dimensional Standards [1]**

| District Name | Min Lot Size (sq ft unless otherwise noted) [2] | Min. Lot Width at Bldg. Line (ft) | Min. Front Setback/ Street Side Setback (ft) [3] | Min. Side Yard Setback (ft) [3] | Min. Rear Yard Setback (ft) [3] | Max. Building Height (ft) |
|---|---|---|---|---|---|---|
| **Residential Districts** | | | | | | |
| **A-R Agricultural District** | 40,000 | 80 | 30 | 10 | 10 | 40 |
| **R-20 Large Lot Residential District** | 20,000 | 80 | 30 | 10 | 10 | 40 |
| **R-10 Suburban Residential District** | 10,000 | 60 | 20 | 8 | 10 | 40 |
| **R-6 Urban Residential District** | 6,000 | 50 | 20 | 8 | 10 | 45 |

| | | | | | | |
|---|---|---|---|---|---|---|
| **R-3 High-Density Residential District** | 3,000 | 50 | 20 | 4 | 10 | 60 |
| **R-MH Manufactured Housing District** | 6,000 | 60 | 20 | 8 | 10 | 40 |
| **Business and Office Districts** | | | | | | |
| **C-C Central Business District** | -- | -- | -- | -- | -- | 90 |
| **B-1 Neighborhood Business District** | 5,000 | 50 | 20 | 5 | 5 | 45 |
| **G-C General Commercial District** | -- | 100 | 15 | -- | -- | 60 |
| **H-C Highway Commercial District** | -- | 100 | 10 | -- | -- | 60 |
| **O-I Office Institutional District** | 7,000 | 70 | 25 | 10 | 10 | 45 |
| **Industrial Districts** | | | | | | |
| **L-I Light Industrial District** | -- | 100 | 30 | 20 | 20 | 90 |
| **H-I Heavy Industrial District** | -- | 100 | 40 | 25 | 25 | 200 |
| **Special Districts** | | | | | | |
| **PUD Planned Unit Development District** | 3 acres | Dimensional requirements for the PUD District shall be determined at the time of rezoning along with use and density standards. | | | | |
| **Overlay Districts** | | | | | | |
| **DSCD Downtown Siler City Overlay District** | Dimensional requirements shall be determined by the underlying zoning district unless otherwise specified. | | | | | |
| | | | | | | |

1. Whenever a private access easement/right-of-way or private road/drive serves any development, buildings shall be set back a minimum of one (1) foot from said private access easements/right-of-way or a minimum of ten (10) feet from the inside boundary of the traveled portion of private roads/drives, whichever is greater. This Subsection does not exempt buildings from meeting the minimum front, side, and rear setback requirements from property boundaries and public streets.
2. Minimum lot sizes do not apply for subdivisions designed as a cluster subdivision. See Subsection 8.2.1 (Land and Lot Configuration).
3. Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, and the property line setback requirement applicable to the residential lot is greater than that applicable to the nonresidential lot, the lot in the nonresidential district shall meet the minimum setback requirement applicable to the adjoining residential lot.

**C.** Notes to Zoning District Dimensional Standards

**1.** Lot Area in Right-of-Way. No land area of a lot which lies within the street right-of-way may be used for the purposes of calculating lot area or any other lot dimensional requirements.

**2.** Minimum Lot Width. No lot may be created that is so narrow or otherwise so irregularly

shaped that it would be impracticable to develop the lot with uses permitted in the district and meet the required setbacks of the district. Lot width shall be measured at the building line.

**3.** Minimum Setbacks.

**a.** Required Yards. The area between a lot line and a required setback shall be considered the lot's required yard area. Except where otherwise allowed by this Ordinance, required yards shall not be subject to encroachment by a building or structure.

**b.** Street Setbacks. No building shall be located closer to any street right-of-way or private street pavement edge than the minimum street setback line established by this Ordinance. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the front setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline, by adding an additional thirty (30) feet to the front setback listed in Table 5.2.

**c.** Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of a building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.).

**d.** The location of front, side, or rear yards on irregularly shaped lots shall be determined by the Zoning Administrator. Wherever possible, the Zoning Administrator shall interpret these boundaries in ways that minimize nonconformities.

**e.** Building setbacks shall not be required for lot boundary lines that are adjacent to railroad rights-of-way or limited access freeways.

4. **Setback Reduction in Industrial Zoning Districts.** The street setback requirements of this Ordinance shall not apply to industrial buildings on any lot where an existing industrial building is located wholly or in part within the required street setback. In no case may the street setback be less than ten (10) feet from the right-of-way or closer to the right-of-way than existing industrial buildings located on the subject property, whichever is greater.

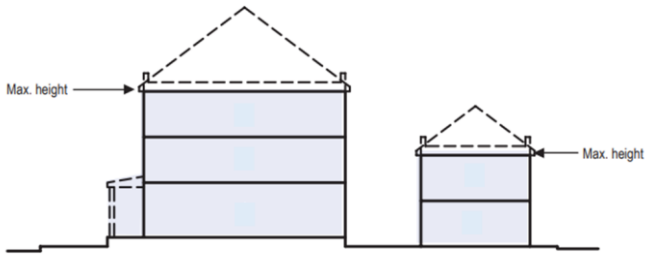
**4.** **Allowable Encroachments into Required Yards**. Table 5.3 lists the architectural features that are permitted to encroach into a required yard, provided said features do not obstruct visibility for motorists.

| **Table 5.3 Allowable Encroachments into Required Yards** | |
|---|---|
| **Feature** | **Allowable Encroachment** |

| | |
|---|---|
| Arbors, pergolas, or trellises installed in conjunction with single- or two-family residential uses | May encroach in whole or in part in any required yard. |
| Aviation lights and beacons | |
| Bus shelters | |
| Guardhouses | |
| Uncovered Handicap Ramps | |
| Uncovered Stairs | |
| Water Meter Buildings | |
| Uncovered Decks | May project no more than eight (8) feet into the rear or side yard. Under no circumstances shall the feature be located closer than five (5) feet to any property line. |
| Eaves, gutters, or other minor architectural features | May project no more than twenty-four (24) inches from the main portion of the structure into a required yard. |
| Elevated pedestrian bridges or walkways, including those spanning public rights-of-way | May encroach in any required yard provided these features have received all other required governmental approvals for being located within a public right-of-way. |
| Any fence eight (8) feet or shorter located in the L-I, H-I, or H-C District and is substantially opaque.<br>Any fence six (6) feet or shorter which is substantially opaque and located in any other district. | May encroach in any required yard. Fences shall not be located within a public right-of-way without all other required governmental approvals. |

**5.** Maximum Building Height

**a.** The height of a building shall be calculated as the vertical distance from the mean elevation of the finished grade at the front of the building to the highest point of the building.




**b.** Roofs with slopes greater than seventy-five (75) percent shall be regarded as walls.

**c.** The following features are exempt from the district height limitations of Table 5.2 provided they meet the area restrictions and setback requirements below:

**1)** Chimneys, church spires, elevator shafts/towers, and similar structural appendages not intended as places of human occupancy or storage;

**2)** Flagpoles and similar devices, and;

**3)** Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.

These features shall be set back from the edge of the roof one (1) foot for every foot above the roof surface of the principal building to which they are attached.

The permit-issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the above features from view.

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# CHAPTER 6: DEVELOPMENT STANDARDS APPLICABLE TO ALL USES

## 6.1 Sign Standards

### 6.1.1 Purpose

The purpose of this Section is to authorize the use of signs which are compatible with the character of the Town of Siler City and their immediate context; appropriate for the use(s) being conducted on the property; legible to pedestrians and motorists; and conducive to traffic safety. The standards of this Section are content-neutral, and both commercial and/or non-commercial speech are allowed on any permitted sign. A wide variety of sign types are permitted within the Town to ensure the protection of commercial and non-commercial speech.

This Ordinance is not intended to and does not apply to signs erected, maintained, or otherwise posted by the State of North Carolina, the federal government, or the Town, except as otherwise described herein.

### 6.1.2 General Limitations on All Signs

The following restrictions apply to all types of signs:

**A.** Unless specifically exempted by this Ordinance, no sign visible from a public right-of-way, whether exterior or interior to a structure, shall be erected, displayed, or substantially altered except in accordance with the standards of this Ordinance.

**B.** No sign, including any structural features or appurtenances, shall be located within a public right-of-way, except as specifically allowed by this Ordinance.

**C.** No sign shall exist within a designated sight distance triangle.

**D.** No sign shall obstruct a door, fire escape, stairway, ladder, or opening intended to provide ingress or egress for buildings, structures, or lots.

**E.** No sign shall have more than two (2) faces (display surfaces).

**F.** All signs shall be maintained in a state of good repair. No sign shall exist which is structurally unsafe or endangers the safety of the public or property. When evidence of an unsafe sign is brought to the attention of the Zoning Officer, they shall order that such sign be made safe or be removed.

### 6.1.3 Prohibited Signs

The following signs or use of signs are prohibited within the zoning jurisdiction of the Town of Siler City or its ETJ:

**A.** Any sign not authorized by this Ordinance.

**B.** Any sign not constructed pursuant to a valid building permit where one is required.

**C.** Abandoned or dilapidated signs.

**D.** Mobile or portable signs.

**E.** Windblown, animated, rotating, flashing, blinking or otherwise moving signs except Electronic

Message Boards as permitted in Section 6.1.8.F (Electronic Message Board Signs).

**F.** Signs or devices consisting of wind-blown propellers, strung light bulbs, floodlights, inflatables, or similar devices, except as permitted in Section 6.1.5 (Sign Illumination).

**G.** No off-premise advertising as defined in Chapter 10 (Definitions) shall be erected within the Town of Siler City.

**H.** Signs that are attached to or otherwise mounted on vehicles with expired registrations or which are inoperable.

**I.** Signs that are attached to or mounted on vehicles that are parked in the same location visible to the general public for more than seven days in one year, where it is evident that the principal use of the vehicle is for advertising rather than transport.

**J.** Signs which encroach within a public right-of-way, except projecting signs which have received an encroachment agreement from the Town of Siler City or NCDOT.

**K.** Signs that violate any provision of any law related to G.S. 136-126 (the Outdoor Advertising Control Act)

**L.** Signs or lights of any type that make use of the words "STOP," "SLOW," "CAUTION," "DANGER," or any other word, phrase, symbol or character used in such a manner as is reasonably likely to be confused with traffic directional and regulatory signs, and which do not conform to the Uniform Manual of Traffic Control devices, published by NCDOT.

**M.** Signs which contain obscene words or images.

**N.** Signs located in such a manner as to obscure or physically interfere with the effectiveness of an official traffic sign, signal, or device, or which obstruct or physically interfere with a motorist's view of traffic.

**O.** Signs which imitate or approximate official governmental signs, such as traffic signs.

**P.** Signs which are affixed to or painted on a utility or light pole; traffic control post; tree, rock, or other natural feature; or are otherwise placed in the right-of-way or on a property without permission of the owner.

### 6.1.4 Sign Measurement

**A.** Sign area shall be calculated as the smallest square, circle, rectangle, triangle, or combination thereof encompassing the sign message and background, along with any molding, trim, border, or frame materials.

**B.** The height of a free-standing sign shall be measured from the right-of-way to which the sign is oriented or the average grade of the site where the sign is located, whichever is higher, to the top of the highest attached component of the sign, including the sign face, sign structure and any other appurtenance. Any change in a site's grade specifically designed to increase a sign's height shall be included as part of the sign's height.

**C.** For the purpose of determining number of signs, a sign shall be considered to be a single display device containing elements organized, related, and composed to form a unit.

### 6.1.5 Sign Illumination

**A.** Illuminated signs may utilize an exterior or interior source of illumination. Exterior illumination shall be beamed down and away or shielded from any public street or right-of-way, as well as from adjacent properties or oncoming traffic. Where the source of illumination is from within the sign itself, said illumination shall not present a glare such that it distracts drivers or is a nuisance to nearby property owners. All wiring, grounding, etc. for illuminated signs shall meet the requirements of the National Electric Code.

**B.** All wiring and grounding for illuminated signs shall meet the requirements of the National Electric Code.

**C.** Internally illuminated signs shall be prohibited in residential districts.

**D.** Electronic Message Boards shall not be considered internally illuminated signs.

**E.** Electronic Message Boards shall have a maximum brightness of 5,000 units during daylight hours, and 500 nits between sunset and sunrise.

**1.** All Electronic Message Board signs shall have a light sensing device that will adjust the brightness in real-time as ambient light conditions change, so that the sign does not exceed the maximum brightness levels allowed by this Section.

**2.** Prior to issuance of a sign permit, the applicant shall provide written certification from the sign contractor that the light intensity of the sign has been pre-set not to exceed 5,000 nits.

### 6.1.6 Sign Permits

**A.** Except as otherwise provided in Section 6.1 (Sign Standards), no sign shall be hereafter constructed, erected, moved, removed, enlarged, illuminated, substantially altered, supported, attached, suspended, changed, materially repaired, or relocated until a permit has been issued by the Zoning Administrator. Repainting or repairing a sign shall not, in and of itself, be considered a substantial alteration.

**B.** Applications for a sign permit shall be submitted to the Zoning Administrator, who shall provide any materials which may need to be completed to ensure compliance with the requirements of this Ordinance.

### 6.1.7 Signs Allowed Without Permits

The following signs are permitted without a permit when meeting the requirements contained herein:

**A.** Property identification signs. Signs bearing only property identification numbers and names, post office box numbers of occupants of the property, or other identification of the property, so that public safety agencies, customers, or visitors can easily identify the property from the street.

**B.** Directional signs

**1.** Such signs shall be located on private property, outside of any rights-of-way.

**2.** One sign shall be allowed per abutting street.

**3.** Such signs shall not exceed eight (8) square feet in size.

**C.** Incidental signs. Every property containing a non-residential use shall be allowed one (1) incidental sign of no more than sixteen (16) square feet in area, no taller than four (4) feet in height.

**D.** Sandwich board signs

**1.** One sandwich board sign shall be allowed per street frontage, per business, only on the sidewalk within 10 feet of the entry door of the business, in any commercial zoning district.

**2.** Such signs shall not interfere with pedestrian or vehicular circulation or sightlines.

**3.** A maximum sign area of eight (8) square feet shall be allowed on each side of a sandwich board sign.

**4.** Sandwich board signs shall be constructed of durable materials.

**5.** Such signs shall be removed at the end of the day.

**6.** Any person or entity erecting a sandwich board sign shall indemnify and hold harmless the Town of Siler City and its employees from any claim arising out of the presence of the sign on Town property or within its rights-of-way.

**E.** Building memorial signs

**1.** Signs commemorating names or dates associated with the construction or commissioning of a building or property shall be allowed.

**2.** Such signs may either be cut into the masonry or concrete surface of the building or may be affixed to the exterior of the building as a sign or plaque.

**F.** Signs directly adhered to the interior of building windows or doors.

**G.** Flags

**1.** Flags shall not be located within or protrude into any public rights-of-way.

**2.** Any flag which becomes worn or tattered shall be removed immediately.

**3.** Flags shall be able to withstand the average prevailing winds in the months they are displayed.

**H.** Government signs, including but not limited to:

**1.** Insignia or seals of governments

**2.** Legal notices

**3.** Bankruptcy, estate, and legal sale signs

**4.** Traffic control devices or regulatory signs as allowed under the Manual of Uniform Traffic Control Devices, published by NCDOT.

**5.** Signs or banners installed within rights-of-way, including signs on lamp posts or hung across rights-of-way, with the written consent of the Town or NCDOT. This category includes Tourist Oriented Direction signs installed pursuant to the NCDOT Tourist-Oriented Directional Signs and Logo Signs program.

**I.** Home occupations signs

**1.** Only one home occupation sign shall be allowed per lot.

**2.** Such signs shall have a maximum area of nine (9) square feet and may take the form of a free-standing or wall sign.

**3.** Free-standing home occupation signs shall be no taller than five (5) feet.

**4.** Home occupation signs may be externally illuminated, but internal illumination shall be prohibited.

**J.** Temporary Signs

**1.** Such signs shall have a maximum area of thirty-two (32) square feet per sign, except as otherwise noted.

**2.** No temporary sign shall be taller than ten (10) feet in height.

**3.** Signs shall be located on private property, outside of street rights-of-way.

**4.** Such signs shall not be illuminated.

**5.** Such signs shall not be placed or painted on the roof of a building.

**6.** Examples of temporary signs include but are not limited to for sale or rent signs; agricultural product sale signs; yard sale signs; and signs advertising special events.

**7.** Temporary signs may take the forms of a variety of sign types including conventional signs, banners, flags and pennants, balloons, and may include windblown devices. Balloons must be firmly attached to a stationary object.

**8.** Temporary signs may be held by a person and carried back and forth along the site's street frontage.

**9.** Temporary signs may be installed for no more than thirty days at a time, except for sale

or rent signs, which may be installed as long as the property they or located on is for sale or rent.

**10.** Temporary signs may be installed for no more than six thirty-day periods per year on any given property.

**K.** Construction and Development Signs

**1.** One such sign may be erected on a site which has received a building permit. This sign shall be removed within ten (10) days of the issuance of the final certificate of occupancy for the site.

**2.** Such signs shall have a maximum area of thirty-two (32) square feet.

**3.** Construction fence wraps shall also be allowed per the standards of G.S. 160D-908.

**L.** Political campaign or election signs. Political or election signs that are placed in the right-of-way are subject to the following restrictions per G.S. 136-32:

**1.** Such signs shall only be placed during the period beginning on the 30th day before the beginning date of early voting under G.S. 163-166.40 and ending on the 10th day after the primary or election day. Any political sign placed before this time, or left remaining in the right of way more than 30 days past this time, shall be deemed unlawfully placed and abandoned property, and a person may remove and dispose of such political sign without penalty.

**2.** Signs placed within any right of way within the zoning jurisdiction of the Town of Siler City must also comply with the following requirements of G.S. 136-32:

**a.** The owner of such signs 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.

**b.** No sign shall be permitted in the right-of-way of a fully controlled access highway.

**c.** No sign shall be closer than three feet from the edge of the pavement of the road.

**d.** No sign shall obscure motorist visibility at an intersection.

**e.** No sign shall be higher than 42 inches above the edge of the pavement of the road.

**f.** Signs shall comply with the dimensional requirements for temporary signs as determined by the zoning of the property on which they are placed.

**g.** No sign shall obscure or replace another sign.

**M.** Murals

**1.** Murals shall not be considered signs, so long as they do not incorporate any of the

following commercial content:

**a.** Advertising or slogans related to any current establishment, merchandise, or service;

**b.** Commercial text or logos applicable to a specific current business or brand;

**c.** Other graphics related to goods and services provided on--site.

**N.** Restaurant Menu Boards. Restaurant menu boards located at least twenty (20) feet from any property line shall not be considered signs by this Ordinance. Menu boards located less than twenty (20) feet from any property line shall be considered incidental signs.

### 6.1.8 Signs Requiring Permits

The following sign types shall be allowed in the zoning districts indicated in Table 6.6.1, Matrix of Allowable Sign Types, with a permit from the Zoning Administrator or their designee:

**Table 6.1 Matrix of Allowable Sign Types**

| Zoning District | Free-Standing Signs | Wall Signs | Projecting Signs | Awning Signs | Subdivision or Business Park Signs | Electronic Message Boards[1] | Temporary Signs | Home Occupation Signs |
|---|---|---|---|---|---|---|---|---|
| **A-R** | -- | -- | -- | -- | X | X | X | X |
| **R-20** | -- | -- | -- | -- | X | X | X | X |
| **R-10** | -- | -- | -- | -- | X | X | X | X |
| **R-6** | -- | -- | -- | -- | X | X | X | X |
| **R-3** | -- | -- | -- | -- | X | X | X | X |
| **R-MH** | -- | -- | -- | -- | X | X | X | X |
| **C-C** | -- | X | X | X | -- | X | X | -- |
| **B-1** | X | X | X | X | X | X | X | -- |
| **G-C** | X | X | X | X | X | X | X | -- |
| **H-C** | X | X | X | X | X | X | X | -- |
| **O-I** | X | | -- | -- | X | X | X | -- |
| **L-I** | X | X | -- | -- | X | -- | X | -- |
| **H-I** | X | X | -- | -- | X | -- | X | -- |
| **LF-1** | X | -- | -- | -- | -- | -- | -- | -- |
| **PUD** | Sign requirements for the PUD district will be determined at the time of zoning approval. | | | | | | | |

[1] Electronic Message Boards are prohibited in residential zoning districts and the C-C district, except for civic and religious institutions.

**A.** Free-Standing Signs

**1.** Free-standing signs shall have a maximum height of:

**a.** Ten (10) feet in the A-R, R-20, R-10, R-6, R-3, R-MH, C-C, and B-1 Districts.

**b.** Twenty (20) feet in the O-I, G-C, H-C, L-I, H-I and LF-1 Districts.

**2.** Free-standing signs shall have a maximum area per face of:

**a.** Sixteen (16) square feet for properties developed for Agri-Tourism that do not qualify as Tourist Oriented Direction signs installed pursuant to the NCDOT Tourist-Oriented Directional Signs and Logo Signs program. See also Section

6.1.7.H. (Government Signs) above. Such signs shall not be internally illuminated, nor shall they located within the right of way.

**b.** Forty (40) square feet in the A-R, R-20, R-10, R-6, R-3, R-MH, C-C, and B-1 Districts.

**c.** 110 square feet in the L-I, H-I, O-I, G-C, and H-C Districts

**d.** Sites in the O-I, G-C, and H-C districts greater than five (5) acres in size with at least 400 feet of road frontage on a minor or major thoroughfare may have a maximum area of 150 square feet per sign face.

**e.** Sites in the O-I districts with fifty (50) or more buildable acres with at least 500 feet of road frontage on a minor or major thoroughfare may have a maximum cumulative sign face area of 200 square feet with up to three (3) signs. Such signs shall not be located within the right of way.

**3.** One free-standing sign shall be allowed per street frontage, except that street frontages greater than 150 feet but less than 500 feet in length shall be allowed two (2) free-standing signs. Three (3) freestanding signs shall be allowed along street frontages greater than 500 feet in length. These provisions shall apply to both single- and multi-tenant buildings.

**4.** Where multiple freestanding signs exist on a single site frontage, said signs shall be spaced a minimum of 100 feet apart.

**B.** Wall Signs

**1.** Attached wall signage shall have a total maximum area equal to twenty-five (25) percent of the area of the street-facing façade(s) of the building, except that a minimum sign area of fifty (50) square feet shall be allowed in all cases.

**2.** The maximum vertical dimension of any wall sign shall be fifteen (15) feet, but in no case shall extend above the peak of the roof of the building to which it is attached, or the top of a parapet wall or decorative roof structure where such features exist.

**3.** The display area of wall signs painted on, or otherwise affixed to the exterior surface of a window or door shall be no larger than fifty (50) percent of the surface area of that window or door.

**4.** No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached.

**5.** Wall signs on the side of buildings abutting residentially zoned lots shall be prohibited.

**C.** Projecting Signs

**1.** Projecting signs shall be considered a type of wall sign for the purposes of maximum area calculation, and projecting sign area shall count towards the total wall signage allowed on a building.

**2.** Projecting signs shall have a maximum area of thirty-two (32) square feet per display

surface or face.

**3.** The distance from the lower edge of the sign face to the ground or sidewalk shall be at least eight (8) feet.

**4.** One (1) projecting sign shall be allowed per individual business on-site. Projecting signs for individual establishments within the same building shall be located no closer than eight (8) feet from each other.

**5.** The message portion of the sign, including any letters and/or graphics, shall be perpendicular in orientation to the building wall.

**6.** The width of a projecting sign shall not exceed six (6) feet, or two-thirds (2/3) the distance from the building wall to the inner edge of the curb line, whichever is less.

**7.** Where signs project into adjacent rights-of-way, an encroachment agreement shall be secured from the Town or NCDOT. However, in no case shall projecting signs be allowed over any motorized vehicle travel way, such as a public or private street; alley; or driveway.

**8.** There shall be no more than twelve (12) inches between the sign faces of a double-sided sign. Three-dimensional projecting signs not composed of flat faces shall be prohibited.

**9.** The height of the top edge of a projecting sign face shall not exceed the height of the wall from which it projects, except that projecting signs shall be located no higher than twenty-four (24) feet in any case. No projecting sign shall extend above the soffit, parapet, or eave line of the building to which it is attached.

**D.** Awning Signs

**1.** Awning signs shall be considered a type of wall sign for the purposes of maximum area calculation, and awning signage area shall count towards the total wall signage allowed on a building.

**2.** Awning signs may take the form of a sign printed on the surface of the awning or a sign hung below the awning.

**3.** Signs hung below an awning shall only be allowed above a building entrance and such signs shall have a maximum area of sixteen (16) square feet each.

**4.** Signs hung below an awning shall not be less than eight (8) feet above the ground or sidewalk.

**5.** Awning signs shall not be illuminated.

**E.** Subdivision or Business Park Signs

**1.** Subdivision or business park signs may be allowed as either two (2) single-faced signs or one (1) double-faced sign at each development entrance.

**2.** Such signs shall have a maximum height of eight (8) feet.

**3.** Such signs shall have a maximum area of one hundred and ten (110) square feet.

**F.** Electronic Message Board Signs

**1.** Electronic message boards shall meet the illumination requirements of Section 6.1.5 (Sign Illumination).

**2.** Each electronic message shall remain stationary for a minimum of ten (10) seconds, and transitions between messages shall be complete and instantaneous. No blinking, flashing, or other transitional effects shall be used. Any sign on which the message or display runs continuously, or which uses blinking, flashing or similar effects shall be considered a flashing sign and shall be prohibited.

**3.** Only one electronic message board shall be allowed per building. Said electronic message board may take the form of a free-standing sign or an attached sign.

**4.** The maximum area of an electronic message board shall be thirty-six (36) square feet.

### 6.1.9 Installation and Maintenance of Signs

**A.** All signs shall be installed and maintained in a state of good repair, free from deterioration, missing parts, and peeling paint. Signs which become structurally unsafe or endanger the safety of the public or property shall be removed or repaired.

**B.** Signs not installed and maintained according to the standards of Subsection 1. above may be cited by the Zoning Administrator. The owner of said sign shall respond to this citation within two (2) weeks and shall have a minimum of ninety (90) days to address any noted deficiencies. Failure to address these deficiencies within the specified time may result in the Town causing the sign to be repaired, removed, or altered at the expense of the owner. The Town shall bear no liability in such situations, and any costs of removal or repair, court costs, and attorney fees incurred by the Town shall be assessed against the owner and collected by the Town in an action in the nature of a debt.

**C.** Abandoned signs shall be prohibited. For the purposes of this Ordinance, signs which advertise a business, organization, other entity, or use which has been discontinued for at least 180 days shall be considered abandoned.

**1.** The definition of abandoned sign shall include all elements of the sign, including its structure and any appurtenances.

**2.** An abandoned sign which is painted or otherwise masked with a solid, uniform color shall be considered compliant with the requirements of this Ordinance and shall be allowed to remain in place.

### 6.1.10 Relocation

**A.** A lawfully erected on-premises advertising sign may be relocated or reconstructed within the same parcel so long as the square footage of the total advertising surface area is not increased, and the sign complies with the local development rules in place at the time the sign was erected. The construction work related to the relocation of the lawfully erected on-premises advertising

sign shall commence within two years after the date of removal. The local government shall have the burden to prove that the on-premises advertising sign was not lawfully erected.

**B.** A local government may require the removal of a lawfully erected on-premises advertising sign is required only if Siler City pays the owner of the sign monetary compensation for the removal. Upon payment of monetary compensation, Siler City shall own the sign and remove it in a timely manner.

**C.** Nothing in this section shall be construed to diminish the rights given to owners or operators of nonconforming uses, including nonconforming structures, as set forth in G.S. 160D-108 or the rights of owners or operators of outdoor advertising signs in Article 11 of G.S. 136."

### 6.1.11 Nonconformities

Signs not meeting the standards of this Section, but which meet the standards in place at the time they were constructed shall not be considered nonconforming. Such signs shall be allowed to remain in place and to be maintained in accordance with the standards they were constructed under.

## 6.2 Landscaping Standards

### 6.2.1 Purpose

The purpose of this Section is to establish minimum standards for the planting of new trees and vegetation in order to:

**A.** Enhance property values by establishing transitions between neighboring parcels that promote land use compatibility;

**B.** Reduce the urban heat island effect by providing shade and cooling;

**C.** Screen noise, dust, glare, and intense activity levels from adjacent properties;

**D.** Remediate development-related reductions to Siler City's tree canopy through the planting of new trees and the voluntary preservation of existing trees;

**E.** Provide wildlife habitat;

**F.** Maintain and enhance the visual character of the community;

**G.** Control soil erosion and mitigate flooding;

**H.** Neutralize wastewater passing through the ground from the surface to the water table and lower aquifers;

**I.** Absorb carbon dioxide and produce oxygen; and

**J.** Provide greater privacy for residents

### 6.2.2 Applicability

This Section shall apply to all development activities on both public and private property within the Town of Siler City, with the following exceptions:

**A.** Development on existing lots built under the North Carolina Residential Building Code;

**B.** Changes of use that result in no increase in the square footage of an existing development, parking area, or building.

**C.** Expansions or redevelopments of existing buildings and parking areas equal in size to less than fifty (50) percent of the existing building or parking area on site.

**D.** Development on a Bona Fide Farm, as defined in the NC General Statutes.

**E.** Protected forestry activities as provided for in G.S. 160D-921.

**F.** Property lines abutting railroad rights-of-way and utility easements in excess of sixty (60) feet in width.

**G.** Property lines abutting dedicated street rights-of-way that have remained unopened for a period of at least fifteen (15) years.

### 6.2.3 Fractional Calculations

Where determination of the number of required plants results in a fractional number, any fraction of one-half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall have the effect of increasing the required number of plants by one (1).

### 6.2.4 Parking Lot Landscaping Requirements

**A.** Parking lot landscaping meeting the requirements of this Section shall be required of all new parking lots, as well as expansions or redevelopments of existing buildings and parking areas equal in size to fifty (50) percent or more of the existing building or parking area on site.

**B.** No parking space shall be located more than seventy-five (75) feet from the trunk of a required large variety tree, except where overhead power lines exist within the planting area or in close proximity. In such cases, no parking space shall be located more than fifty (50) feet from the trunk of a required small variety tree.

**C.** Each planting area shall contain one (1) tree within at least 150 square feet of pervious area for small variety trees or within at least 300 square feet of pervious area for large variety trees.

**D.** Planting areas shall be located adjacent to parking area edges or within the interior of the parking lot as islands, peninsulas, or medians.

**E.** There shall be an island, peninsula, or median at the end of each row of parking to separate the last parking space from any adjacent vehicular or pedestrian travel way. Trees may be planted in islands, peninsulas, or medians meeting the planting area requirements of Section C. above.

**F.** Large variety trees within parking lots shall be no closer than twenty (20) feet to any light pole.

**G.** All trees shall be protected from vehicle bumpers through the use of curbing, wheel stops, or other appropriate means of protection.

**H.** Bufferyard or Streetyard trees may also be used to satisfy the parking lot landscaping

requirements, provided said trees meet the requirements of Subsections B. through G. above.

**I.** Expansions or redevelopments that result in development, parking area, or building square footage increases of greater than fifty (50) percent of the respective existing development, parking area, or building square footage shall require the entirety of the site to meet the requirements of this Subsection.

**J.** Alternative parking lot landscaping plans which vary from the requirements of this Section may be proposed for contiguous parking areas with greater than 500 spaces in order to accommodate unique characteristics of the site or to utilize innovative design. Alternative plans shall be approved or denied by the Technical Review Committee (TRC) per Section 6.2.9 (Alternative Plans).

### 6.2.5 Streetyard Requirements

**A.** Landscaped streetyards meeting the requirements of this Section shall be required of all new parking areas, as well as expansions or redevelopments of existing buildings and parking areas equal in size to fifty (50) percent or more of the existing building or parking area on site.

**B.** Streetyards shall be required for all motor vehicle surface areas located within one hundred (100) feet of any street right-of-way, unless separated by an intervening building.

Streetyard width shall be ten (10) feet or greater, measured perpendicular to the right-of-way, and the streetyard shall be positioned between the motor vehicle surface area and the right-of-way, but not between the street right-of-way and sidewalk.

**C.** Each Streetyard shall contain a minimum of two (2) large variety deciduous or evergreen trees per one hundred (100) linear feet, excluding points of motor vehicle ingress or egress. Where overhead power lines exist within the streetyard or in close proximity to it, small variety trees may be used at twice the rate required for large variety trees.

**D.** In addition to the trees required in Subsection D. above, each streetyard shall require one of the following, or a combination thereof:

**1.** Natural shrubs meeting the size and planting specifications of Section 6.2.11 (Planting and Maintenance Standards for Required Vegetation). Shrubs shall be spaced no closer than eighteen (18) inches edge to edge.

**2.** Fences or walls a minimum of thirty-six (36) inches in height, constructed primarily of masonry, stone, or wrought iron.

**3.** Earthen berms having a minimum height of three (3) feet at installation and a minimum crown width of five (5) feet. The entire berm shall be covered with live vegetation.

**E.** The Planning Board may approve alternative streetyard designs which meet or exceed the requirements of this Ordinance where the topography or natural features of the site or the presence of public or private utilities make compliance with the standards described above impracticable. Alternative designs shall be approved or denied by the Technical Review Committee (TRC) per Section 6.2.9 (Alternative Plans).

### 6.2.6 Bufferyard Requirements

Bufferyards are the open space setbacks which separate site improvements from adjacent property lines. These may contain natural materials including but not limited to vegetation, ground cover, mulch, and other pervious materials.

**A.** Bufferyard screening shall be required to obscure the view of adjoining properties, protect the character of residential areas, and maintain property values.

**B.** Bufferyards shall be required as part of rezoning requests, new development on existing sites, major subdivision approvals, and conservation subdivision approvals, except as otherwise noted in this Section:

**1.** Bufferyard requirements shall not apply to any development zoned C-C.

**2.** For the purposes of determining bufferyard requirements, each zoning district within the Ordinance shall be classified as either Single-Family Residential, Multifamily Residential, Low-Intensity Commercial, High-Intensity Commercial, or Industrial:

**3.** The following districts shall be considered Single-Family Residential: A-R, R-20, R-10, R-6, and R-MH.

**4.** The following district shall be considered Multifamily Residential: R-3

**5.** The following districts shall be considered Low-Intensity Commercial: B-1 and O-I.

**6.** The following districts shall be considered High-Intensity Commercial: G-C and H-C.

**7.** The following districts shall be considered Industrial: L-I and H-I

**C.** Table 6.2, Determination of Bufferyard, shall be used to determine bufferyard requirements for each specific development proposal.

**Table 6.2 Determination of Bufferyard**

| Zoning of Developing Property | *Zoning of Adjacent Property* | | | | |
|---|---|---|---|---|---|
| | *Single- Family Residential* | *Multifamily Residential* | *Low-Intensity Commercial* | *High-Intensity Commercial* | *Industrial* |
| Single-Family Residential | None[1] | None | None | None | None |
| Multifamily Residential | Type I | None | None | None | None |
| Low-Intensity Commercial | Type I | Type I | None | None | None |
| High-Intensity Commercial | Type II | Type II | None | None | None |
| Industrial | Type III | Type III | Type II | Type I | None |

[1]A Planned Unit Development or Major Subdivision located in any zoning district which is adjacent to single-family zoning shall include a ten (10) foot Type I Bufferyard along the perimeter of the development. Said bufferyard shall also be installed along any adjoining street rights-of-way.

**D.** Where multiple zoning districts exist on a parcel, the bufferyard type listed in Table 6.2 for each individual zoning district shall be required between that portion of the subject property and any adjoining property.

**E.** Where an adjoining parcel is owned by the same person or entity as the property being developed, no bufferyard shall be required along that adjoining property line.

**F.** Table 6.3, Bufferyard Planting Requirements, details the various bufferyard configurations which satisfy Ordinance requirements. Each bufferyard type is available in multiple widths, with narrower bufferyards requiring more plant material than wider bufferyards.

| **Table 6.3 Bufferyard Planting Requirements** | | |
|---|---|---|
| *Bufferyard Type (Description in Parenthesis)* | *Bufferyard Width* | *Minimum Plant Material Per One Hundred (100) Linear Feet* |
| Type I (Broken Screen) | 10’ | 2 deciduous large variety trees; 8 evergreen plants; 10 supplemental shrubs |
| | 20’ | 2 deciduous large variety trees; 8 evergreen plants |
| | 40’ | 2 deciduous large variety trees; 6 evergreen plants |
| | 100’ | 2 deciduous large variety trees; 4 evergreen plants |
| Type II (Semi-Opaque Screen) | 10’ | 2 deciduous large variety trees; 12 evergreen plants; 14 supplemental shrubs |
| | 20’ | 2 deciduous large variety trees; 12 evergreen plants; 10 supplemental shrubs |
| | 40’ | 2 deciduous large variety trees; 10 evergreen plants |
| | 100’ | 2 deciduous large variety trees; 6 evergreen plants |
| Type III (Opaque Screen) | 20’ | 3 deciduous large variety trees; 18 evergreen plants |
| | 40’ | 3 deciduous large variety trees; 14 evergreen plants |
| | 100’ | 3 deciduous large variety trees; 10 evergreen plants |

**G.** New trees and shrubs within bufferyards shall be evenly spaced at the time of planting.

**H.** Temporary or permanent stormwater and sedimentation control devices, and mechanical equipment such as HVAC units, shall not be allowed within required bufferyards.

**I.** Utility and access easements may cross a required bufferyard, but may not be placed within the long dimension of the bufferyard.

**J.** A masonry wall at least six (6) feet in height may substitute for required evergreen plants and supplemental shrubs within the bufferyard.

**K.** Lawfully established bufferyards which existed at the time of Ordinance adoption shall be

considered legally conforming.

**L.** The Technical Review Committee (TRC) may approve alternative bufferyard designs which meet or exceed the requirements of this Ordinance where the topography or natural features of the site or the presence of public or private utilities make compliance with the standards described above impracticable. Alternative designs shall be accepted or denied by the Technical Review Committee (TRC) per Subsection 6.2.9. (Alternative Plans).

### 6.2.7 Street Tree Requirements

**A.** Trees shall be planted wherever a new street right-of-way is constructed, or where new development occurs along an existing street right-of-way. These requirements shall not apply to alleys. The developer shall obtain NCDOT approval for street tree plantings where new development occurs within the right-of-way of an existing state-maintained road.

**B.** Trees shall be planted at a rate of one large variety tree per fifty (50) linear feet. Qualifying existing trees may be used to help satisfy these requirements if they are protected during construction as described in Subsection 6.2.8 (Preservation and Use of Existing Trees).

**C.** Where overhead power lines exist within the right-of-way or in close proximity to it, small variety trees may be used to satisfy the requirements of this Section at a rate of one small variety tree per twenty-five (25) linear feet.

**D.** For development built under the North Carolina Residential Building Code where street right-of-way is insufficient or includes challenges such as slope or underground utility conflicts, street trees may be located on private property, within the yard adjacent to the street.

### 6.2.8 Preservation and Use of Existing Trees

**A.** The preservation of existing trees is encouraged by this Ordinance, and existing trees may be used to satisfy the requirements of this Section, where said trees are healthy and are at least six (6) inches in caliper.

**B.** Each preserved tree may serve as a substitute for a new tree required by this Ordinance, assuming the preserved tree is located in a manner that allows it to be protected in accordance with Subsection C. below and to serve as a required parking lot landscaping, streetyard, or bufferyard tree.

**C.** Large trees located along the edge of construction corridors should be retained wherever possible. Disturbed areas should be re-seeded with mixtures beneficial to wildlife, i.e., native annual grains appropriate for the season.

**D.** Any trees which are preserved to satisfy the requirements of this Ordinance shall be protected during construction and in perpetuity thereafter:

**1.** Tree protection fencing shall be installed outside of the dripline of all protected trees while a site is being developed.

**2.** The area within any tree protection fencing shall remain free of all building materials, stockpiled soil, or other debris.

**3.** Construction traffic and storage of vehicles and materials shall not take place within any protected areas.

**4.** Following construction, each small variety tree shall be surrounded by a minimum protected planting area of at least 150 square feet.

**5.** Following construction, each large variety tree shall be surrounded by a minimum protected planting area of at least 300 square feet.

### 6.2.9 Alternative Plans

The Technical Review Committee (TRC) may approve alternative landscaping proposals which meet or exceed the requirements of this Section where alternatives are permitted. When reviewing alternative compliance requests, the TRC shall consider:

**A.** The location of existing vegetation on-site.

**B.** The number, species, and arrangement of the plants proposed.

**C.** The height, spread, and canopy provided by the proposed plants at maturity.

**D.** The proposed incorporation of non-vegetative elements (such as walls or other structures).

Where the TRC is the final decision-making body, decisions of the TRC may be appealed to the Board of Adjustment.

### 6.2.10 Revisions to Approved Landscaping Plans

Minor revisions to approved landscaping plans which are necessary to resolve planting issues and/or a lack of plant availability may be approved by the Zoning Administrator if:

**A.** There is no reduction in the quantity of plant material.

**B.** There is no significant change in the size or location of the plant material on site.

**C.** The new plants belong to the same general category (e.g., large variety tree, small variety tree, evergreen, shrub) as the materials being replaced.

### 6.2.11 Planting and Maintenance Standards for Required Vegetation

**A.** All new plant material shall be of good quality, installed in a sound manner, and meet the standards set forth in the American Standards for Nursery Stock by the American Association of Nurserymen.

**B.** Appropriate steps shall be taken to ensure underground utilities are not disturbed during the installation of landscaping materials.

**C.** No tree shall be planted within a designated sight distance triangle.

**D.** The use of native plants is encouraged.

**E.** All trees shall be properly guyed or staked and mulched in accordance with accepted practices in the landscape industry.

**F.** The owner of the property shall be responsible for the continued proper maintenance of all required landscaping. Failure to maintain required landscaping in good condition shall constitute a violation of this Ordinance.

**G.** Any dead, missing or unhealthy plant material shall be replaced with vegetation meeting the requirements of this Ordinance.

**H.** The Town of Siler City shall not 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.

**I.** Large variety trees shall have a minimum height at maturity of thirty (30) feet. Large variety trees shall not be less than six (6) feet in height at installation, with a minimum one (1) inch caliper.

**J.** Small variety trees shall have a minimum height at maturity of twenty (20) feet. Small variety trees shall not be less than six (6) feet in height at installation, with a minimum three-quarter (3/4) inch caliper.

**K.** Evergreen trees shall have a minimum height at maturity of twenty (20) feet. Evergreen trees shall not be less than five (5) feet in height at installation with a minimum one (1) inch caliper.

**L.** Shrubs shall have a minimum height or spread of fifteen (15) inches at the time of planting and shall be at least three (3) gallon size. Shrubs shall reach a minimum height of thirty-six (36) inches and a spread of thirty (30) inches within three (3) years of planting

**M.** All caliper measurements shall be taken six (6) inches above grade.

### 6.2.12 Clearcutting of Existing Vegetation

**A.** Clearcutting within any development or on any vacant parcel larger than one (1) acre in size within the Town of Siler City or its ETJ shall be prohibited unless approved as part of a development request. Parcels zoned A-R in either the Town or ETJ are except from this requirement.

**B.** Clearcutting shall refer to the large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural purposes.

**C.** The provisions of this Section shall not regulate bona-fide forestry activity as defined in G.S. 160D-921, provided that following a permitted timber harvest that results in the removal of all, or substantially all, of the trees protected under this or another Town ordinance, no preliminary or final Subdivision Plat for the parcel(s) shall be approved for three years following the conclusion of the harvest.

### 6.2.13 Inspection of Sites

The Zoning Administrator or their designee may make inspections of sites to confirm that proposed, ongoing and completed development activities are compliant with the provisions of this Ordinance. If through inspection it is determined that the site has failed to comply or is no longer in compliance with the provisions of this Ordinance, enforcement activities pursuant to Chapter 3 (Enforcement), may

commence.

### 6.2.14 Approved Plant List

Trees and shrubs may be (1) recommended by a landscape designer; (2) recommended by a nursery; or (3), selected from the following websites:
https://plants.ces.ncsu.edu/find_a_plant/?q=TSC-T https://plants.ces.ncsu.edu/find_a_plant/?=TSC-S.

The Zoning Administrator has the authority to review the landscaping plan and evaluate the proposed plant material against the site conditions (e.g., soil, light, drainage), mature height and spread of the trees and shrubs proposed, and any other relevant factors. The Zoning Administrator may suggest alternate species, locations, or numbers of plants.

Additional recommendations for shading and screening are included in Appendix D.

### 6.2.15 Outdoor Storage Area Screening

**A.** Any outdoor storage area not screened from any public street, private street, or residential use by an intervening building, or any dumpster not screened by an intervening building shall be screened from view from any street right-of-way or residential use, whether or not it may provide access to the site, for its entire length except for necessary access points.

**B.** Screening of outdoor storage areas and dumpsters from any public or private street or residential use shall be provided via a Type I Bufferyard as described in Section 6.2.6. (Bufferyard Requirements); opaque fencing; or a combination of the two:

**1.** Any fence or wall shall be at least six (6) feet in height, opaque, and constructed primarily of masonry, stone, wood, or of the same materials as that of the principal building on-site, and shall comply with the requirements of Section 6.6 (Non-Residential Site and Building Design Standards), based on the proposed development type. Chain link or vinyl fencing shall not be allowed.

**2.** The minimum height of any plant material shall be six (6) feet at installation.

**3.** Dumpsters shall be set on a concrete pad, shall be screened as described above, and shall not be located within twenty (20) feet of existing residential uses on adjacent parcels.

### 6.2.16 Mechanical Area Screening

All ground-level exterior mechanical equipment, including but not limited to HVAC equipment, utility meters, and transformers, shall be screened in accordance with the standards of Subsection 6.2.15 (Outdoor Storage Area Screening). Rooftop mechanical equipment shall be screened from view by a parapet wall or similar architectural element.

## 6.3 Parking Standards

### 6.3.1 Parking Requirements

Sufficient off-street parking shall be provided for all development within the Town, except for property within the C-C district, in accordance with the parking calculation recommendations of Table 6.4, Parking Calculation Recommendations, and the following standards:

**A.** Where the number of parking spaces recommended by this table includes a fractional space, any fraction of one-half (1/2) or less may be disregarded, while a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.

**B.** On-street parking along the frontage of the lot being developed may be used to satisfy the recommendations of Table 6.4, Parking Calculation Recommendations, where such parking is permitted by the Town or NCDOT and designated as such. Where on-street parking is insufficient to completely satisfy these recommendations, additional parking must be provided;

**C.** The Zoning Administrator shall establish the minimum number of recommended parking spaces for any use not specifically listed in Table 6.4, Parking Calculation Recommendations. In making this determination, the Zoning Administrator shall consider documentation supplied by the applicant regarding actual parking demand for the proposed development; available planning/technical studies related to the proposed use; parking requirements of other jurisdictions; and parking requirements found in this Ordinance for similar uses.

**D.** Uses legally conforming with on-site parking requirements as of the date of Ordinance adoption shall be considered grandfathered and shall not be required to meet the standards of this Section unless a change of use occurs. Any building expansion or change of use to a more intense use based on the Institute of Transportation Engineers (ITE) traffic generation standards shall be required to meet the standards of this Section.

**E.** Disabled parking is required, shall be provided in accordance with North Carolina Building Code standards, and shall count towards the parking recommendations of Table 6.4, Parking Calculation Recommendations.

**Table 6.4 Parking Calculation Recommendations**

| *Use Category* | *Use* | *Minimum Number of Vehicle Parking Spaces Required* |
|---|---|---|
| Household Living | Manufactured Dwelling/ Manufactured Dwelling Park | 2 spaces per unit |
| | Single-Family Detached Dwelling | 2 spaces per unit |
| | Single-Family Attached Dwelling – 2 units | 2 spaces per unit |
| | Single-Family Attached Dwelling – 3 or 4 units | 2 spaces per unit |
| | Duplex | 2 spaces per unit |
| | Townhome | 2 spaces per unit |
| | Multi-family Dwelling | 1 space per one-bedroom units<br>1.5 spaces per two-bedroom units<br>2 spaces per three-bedroom units (ADD PROVISION FOR AFFORDABLE/ELEDERLY HOUSING TO ONLY REQUIRE 1 SPACE PER UNIT) |
| | Live/Work Dwelling | 2 spaces per unit |
| | Pocket Neighborhood | 2 spaces per unit |
| | Bungalow Court | 2 spaces per unit |

| | | |
|---|---|---|
| | Mixed Occupancy | |
| | Family Care Home (only one- or two-family homes) | .25 spaces per resident |
| | Group Home | .25 spaces per resident |
| | Halfway House | .25 spaces per resident |
| Life Care | Assisted Living/ Nursing Facility | .25 spaces per bed plus 1 space per employee on largest shift |
| | Continuing Care Retirement Community (CCRC) | .25 spaces per bed plus 1 space per employee on largest shift |
| Civic | Amphitheater (Outdoor) | .25 spaces per seat, or .25 spaces per occupant, based on maximum occupancy, including lawn area used for seating |
| | Community/Youth/Senior Center | 1 space per 400 square feet |
| | Cultural Facility, Library, or Museum | 1 space per 400 square feet |
| | Fraternal Club or Lodge | 1 space per 300 square feet |
| Day Care | Adult Day Care Center | 1 space per 2 employees on largest shift plus 1 space per 10 enrolled persons |
| | Child Day Care Center (primary use) | 1 space per 2 employees on largest shift plus 1 space per 10 enrolled persons |
| Education | College or University | 1 space for every 3 students plus 1 space for every employee |
| | Dormitory, Private | 1 space per bedroom |
| | Fraternity or Sorority House | 1 space per bedroom |
| | School, Elementary | 3 spaces per classroom |
| | School, High/Middle | 1 space per 3 students |
| | School, Vocational | 1 space per 300 square feet |
| Health Care | Drug/Alcohol Treatment | 1 space per 300 square feet |
| | Hospital | 1 space per 450 square feet |
| | Laboratory and Laboratory Services | 1 space per 300 square feet |
| | Outpatient Treatment Facility | 1 space per 300 square feet |
| | Urgent Care | 1 space per 300 square feet |
| | Dental or Medical Office | 1 space per 300 square feet |
| Interment | Cemetery, Columbarium, or Mausoleum | 1 space per employee on largest shift |
| Government | Fire/EMS/Police Station | 3 spaces plus 1 space per employee on largest shift |
| | Government Office | 1 space per 350 square feet |
| | National Guard Installation | 1 space per 350 square feet |
| | Post Office | 1 space per 350 square feet |
| | Police/Fire Training Facility | 1 space per 350 square feet |
| | Police Station | 1 space per 350 square feet |
| | Prison/Correctional Facility | 1 space per 450 square feet |
| | Public Works Facility | 1 space per 450 square feet |

| | | |
|---|---|---|
| Religious Institution | All | 1 space per 4 seats |
| Adult Uses | All | 1 space per 300 square feet |
| Animal Care | Animal Grooming | 1 space per 450 square feet |
| | Animal Shelter | 1 space per 450 square feet |
| | Kennel Indoor or Small Outdoor | 1 space per 450 square feet |
| | Kennel Large Outdoor | 1 space per 450 square feet |
| | Veterinary Clinic | 1 space per 350 square feet |
| Drinking Establishment | Bar or Cocktail Lounge | 1 space per 200 square feet |
| | Bottle Shop | 1 space per 300 square feet |
| | Microbrewery or Micro distillery | 1 space per 100 square feet for tasting room/tap room plus 1 space per 500 square feet of brewing or distilling space |
| | Private Club (Not Classified as an Adult Use) | 1 space per 250 square feet |
| Eating Establishment | Catering/Commissary Kitchen | 1 space per 250 square feet |
| Eating Establishment | Coffee Shop | 1 space per 250 square feet |
| | Restaurant, Drive-Through/Drive Up Service | 1 space per 250 square feet |
| | Restaurant, Indoor or Outdoor Seating | 1 space per 250 square feet |
| | Restaurant, Walk-up Only | 1 space per 250 square feet |
| Indoor Commercial Recreation | Amusement Facility, Indoors | 1 space per 350 square feet |
| Indoor Commercial Recreation | Bowling Alley | 1 space per 300 square feet |
| | Community/Youth/Senior Center | 1 space per 350 square feet |
| | Electronic Gaming Operation | 1 space per 300 square feet |
| | Event Venue | 1 space per 250 square feet |
| | Fitness Center | 1 space per 300 square feet |
| | Nightclub or Dance Hall | 1 space per 250 square feet |
| | Pool Hall | 2 spaces per table plus 1 space per employee on largest shift |
| | Shooting Range (Indoor) | 1 space per 300 square feet |
| | Sports Facility, Indoor | 1 space per 300 square feet |
| | Theater (Film or live performance not classified as an Adult Use) | 1 space per 4 seats plus 1 space per employee on largest shift |
| Office | Professional Office | 1 space per 350 square feet |
| Outdoor Commercial Recreation | Amusement Facility, Outdoors | 1 space per 250 square feet |
| | Golf Course | 3 spaces per tee plus 1 space per 250 square feet for retail space plus 1 space per employee on largest shift |

| | | |
|---|---|---|
| | Golf Driving Range | 3 spaces per tee plus 1 space per 250 square feet for retail space plus 1 space per employee on largest shift |
| | Racetrack | 1 space per 3 seats, or; 1 space per 225 square feet of activity area plus 1 space per employee on largest shift, where fixed seating does not exist |
| | Shooting Range (Outdoor) | 1 space per 300 square feet of facility area |
| | Sports Facility, Outdoor | 1 space per 300 square feet of activity area |
| | Theater, Drive-In | 1 space per employee on largest shift |
| | Vehicle Sports | 1 space per 3 seats, or; 1 space per 225 square feet of activity area plus 1 space per employee on largest shift, where fixed seating does not exist |
| Outdoor Public Recreation | Arboretum or Formal Garden | 1 space per 5,000 square feet of garden area |
| | Community Garden | None |
| | Park | 1 space per 5,000 square feet of park area |
| | Public Recreation Facility | 1 space per 4 occupants, based on maximum occupancy |
| Outdoor Advertising | Sign, Off-Premises | None |
| Parking | Parking Lot | None |
| | Parking Structure | None |
| Personal Service | Computer Services | 1 space per 350 square feet |
| | Equipment and Tool Rental | 1 space per 350 square feet |
| | Financial Institution Without Drive-Through Service | 1 space per 250 square feet for depository institutions; 1 space per 350 square feet for non-depository institutions |
| | Financial Institution With Drive-Through Service | 1 space per 250 square feet for depository institutions; 1 space per 350 square feet for non-depository institutions |
| | Funeral-Related Services | 1 space per 300 square feet |
| | Hair, Nails, and Skin-Related Services | 3 spaces per employee on largest shift |
| | Laundry/Dry Cleaning | 1 space per 450 square feet |
| | Packaging and Printing | 1 space per 450 square feet |
| | Repair Shop | 1 space per 450 square feet |
| Retail | Convenience Store (With Gasoline Sales or Restaurant) | 1 space per 225 square feet |
| | Convenience Store (Without Gasoline Sales or Restaurant) | 1 space per 225 square feet |
| | Flea Market (Indoor) | 1 space per 350 square feet |
| | Flea Market (Outdoor) | 1 space per 350 square feet |
| | Firearm Sales and Service | 1 space per 300 square feet |
| | General Retail | 1 space per 300 square feet |
| | Grocery Store | 1 space per 250 square feet |
| | Large Format Retail | 1 space per 350 square feet |

| | | |
|---|---|---|
| | Outdoor Sales, Excluding Nursery/Lawn and Garden Center | 1 space per 350 square feet |
| | Nursery/Lawn and Garden Center | 1 space per 350 square feet |
| | Pharmacy | 1 space per 250 square feet |
| | Retail, Bulky Item | 1 space per 350 square feet |
| | Retail, Second-Hand | 1 space per 350 square feet |
| Storage and Warehousing | Outdoor Storage Yard | 1 space per employee on largest shift |
| | Warehouse - Self-Storage Facilities | 1 space per employee on largest shift |
| Visitor Accommodations | Bed and Breakfast | 1 space per room |
| | Campground | 1 space per campsite or cabin |
| | Hotel/Motel | 1 space per room plus 1 space per employee on largest shift |
| | Recreational Vehicle (RV) Park | 1 space per employee on largest shift |
| Vehicle-Related | Vehicle Repair and Servicing (Without Painting or Bodywork) | 3 spaces per service bay |
| | Vehicle Sales or Rentals | 1 space per 500 square feet |
| | Vehicle Painting/Body Shop | 1 space per 500 square feet |
| | Vehicle Parts and Accessory Sales | 1 space per 400 square feet |
| | Vehicle Towing and Storage Lot | None |
| | Car Wash or Automobile Detailing | 1 space per 2 employees on largest shift |
| Industrial Services | Contractor Services and Sales | 1 space per 400 square feet |
| | Electrical/Plumbing Fabrication | 1 space per employee on largest shift |
| | Fuel Oil/Bottled Gas Distributor | 1 space per employee on largest shift |
| | Heavy Equipment Sales and Service (Excluding Farm Machinery Sales) | 1 space per 400 square feet |
| Manufacturing and Production | Advanced Battery or Fuel Cell Manufacturing | 1 space per 2 employees on largest shift |
| | Asphalt or Concrete Plant | 1 space per 2 employees on largest shift |
| | Bakery (large scale) | 1 space per 2 employees on largest shift |
| | Bottling Plant | 1 space per 2 employees on largest shift |
| | Chemical Manufacturing | 1 space per 2 employees on largest shift |
| | Firearms Manufacturing | 1 space per 2 employees on largest shift |
| | Foundry | 1 space per 2 employees on largest shift |
| | Manufacturing, Heavy, Not Otherwise Categorized | 1 space per 2 employees on largest shift |

| | | |
|---|---|---|
| | Manufacturing, Light (with or without accessory sales) | 1 space per 2 employees on largest shift plus 1 space per 400 square feet for accessory sales |
| | Meat Packing and Processing | 1 space per 2 employees on largest shift |
| | Metal Fabrication and Welding | 1 space per 2 employees on largest shift |
| | Quarrying or Mining | 1 space per 2 employees on largest shift |
| | Wood Fabrication | 1 space per 2 employees on largest shift |
| Telecommunications | Antenna Collocation, Major | None |
| | Antenna Collocation, Minor | None |
| | Broadcasting Studio | 1 space per employee on largest shift |
| | Small Wireless Facility Collocation | None |
| | Telecommunications Tower, Major | 1 space |
| | Telecommunications Tower, Minor or Concealed | None |
| Transportation | Airport | 1 space per employee on largest shift |
| | Airfield/Heliport | 1 space per employee on largest shift |
| | Bus Station | 1 space per employee on largest shift |
| | Rail Yard | 1 space per employee on largest shift |
| | Transit Shelter (e.g., bus stop) | None |
| Utilities | Solar Farm | 1 space |
| | Utility Substation | None |
| | | |
| | Water Storage Facility | None |
| | Water Treatment Facility | 1 space per employee on largest shift |
| Warehouse and Freight Movement | Above Ground Liquid Storage Tanks | 1 space |
| | Truck Terminal | 1 space per employee on largest shift |
| | Warehouse, Distribution | 1 space per employee on largest shift |
| | Warehouse, Storage | 1 space per employee on largest shift |
| Waste-Related Services | Landfill, LCID | 1 space per employee on largest shift |
| | Landfill, Sanitary | 1 space per employee on largest shift |
| | Recycling Center, Processing | 1 space per employee on largest shift |
| | Recycling Center, Convenience Stop | 1 space |
| | Salvage, Junkyard, or Automobile Graveyard | 1 space per employee on largest shift |
| | Transfer Station | 1 space per employee on largest shift |
| Wholesale Trade | All | 1 space per 400 square feet |
| Agricultural Related Uses | Agricultural Events Facility | 1 space per employee on largest shift |
| | Agricultural Production | None |
| | Animal Husbandry | None |
| | Agricultural Supply Sales (Feed, Seed, Fertilizer) | 1 space per 500 square feet |

| | | |
|---|---|---|
| | Commercial Stables (includes Boarding and/or Training) | 1 space per employee on largest shift |
| | Farm Machinery Sales | 1 space per 500 square feet |
| | Stockyard/Livestock Sales | 1 space per employee on largest shift |
| | Riding Academy | 1 space per employee on largest shift |
| | Horticulture | None |

### 6.4 Parking Alternatives and Incentives

Alternative compliance to the parking rates listed in Table 6.4, Parking Calculation Recommendations, or shared parking, may be proposed through a parking study prepared by a qualified professional, such as an engineer or landscape architect, provided that the proposed alternative provides an adequate amount of parking for the use(s) proposed on site. Said parking study shall be approved by the permit-issuing authority for the site being reviewed, upon a determination that this proposal meets the spirit and intent of the Ordinance.

**A.** Where a lot containing one (1) or more structures constructed before the effective date of this Ordinance does not have sufficient space to accommodate the number of parking spaces recommended in Table 6.4, and a change of use that does not involve any enlargement of the structure(s) occurs, the parking recommendations of Table 6.4 may be partially or completely waived by the Zoning Administrator. However, parking spaces shall still be provided to the extent practicable, and any existing parking on-site shall be retained.

**B.** Property within the C-C District shall be exempt from this Section.

**C.** For all uses, the parking recommendations of Table 6.4, may be reduced to allow for the installation of required interior planting areas.

**D.** Off-site parking may be used to satisfy up to fifty (50) percent of the recommendations of Table 6.4:

**1.** Off-site parking shall be located within walking distance to the facility it serves, via a sidewalk or all-weather surface, except that satellite parking with shuttle service shall be exempt from this requirement.

**2.** The petitioner shall present written evidence to the Zoning Administrator (such as a lease or contract) that they have the permission of the owner or agent representing the off-site parking spaces to use said spaces for a defined period of time.

**3.** If the parking agreement referenced above becomes invalid or is nullified, the use shall immediately cease and shall not resume operation until a new parking agreement meeting the requirements of this Ordinance is approved by the Zoning Administrator.

### 6.4.1 Parking Area Design Requirements

**A.** Parking areas shall be designed to:

**1.** Facilitate unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles.

**2.** Minimize interference with traffic on public streets and access drives.

**3.** Minimize curb cuts.

**4.** Ensure that all parking spaces have access from parking lot drive aisles and not from adjacent streets.

**5.** Allow pedestrians to safely move from their vehicles to the building.

**6.** Facilitate adequate access by sanitation, emergency, and public service vehicles.

**B.** For all development built under the North Carolina Residential Building Code, parking spaces in driveways, or within garages or carports, may count towards satisfying the recommendations of Table 6.4 so long as such spaces are a minimum of ten (10) feet wide and twenty (20) feet deep.

**1.** Spaces may be stacked in tandem rather than side-by-side.

**2.** No parking space shall extend into any right-of-way adjacent to the lot containing the residential dwelling.

**3.** Driveways serving as parking spaces in all residential properties shall be at least twenty (20) feet in length as measured from the back of the sidewalk or, where no sidewalk exists, from back of curb or edge of street.

**C.** Except as indicated elsewhere in this Ordinance, parking areas shall meet the following dimensional standards:

**1.** Parking space dimensions shall be a minimum of nineteen (19) feet long and nine (9) feet wide, except that disabled parking spaces and any associated access ramps or curb cuts shall meet the dimensional requirements specified in the North Carolina Building Code.

**2.** Parallel parking space dimensions shall be a minimum of twenty-two (22) by nine (9) feet.

**3.** Parking area drive aisle widths shall meet the requirements of Table 6.5 Required Parking Aisle Width.

**4.** Driveways shall have a minimum width of ten (10) feet for one-way traffic, and twenty (20) feet for two-way traffic. The aforementioned dimensional requirements shall be exclusive of driveway entrances, curb cuts, and aprons.

**5.** Driveway width for two-way traffic may be reduced to ten feet where the driveway is no longer than fifty (50) feet; provides access to no more than six (6) spaces; and sufficient turning space is provided so that vehicles need not back into a public street.

| **Table 6.5 Required Parking Aisle Width** | | | | | |
|---|---|---|---|---|---|
| **Angle of Parking Spaces** | *0°* | *30°* | *45°* | *60°* | *90°* |

| | | | | | |
|---|---|---|---|---|---|
| **One Way Traffic** | 13’ | 11’ | 13’ | 18’ | 24’ |
| **Two Way Traffic** | 20’ | 21’ | 22’ | 23’ | 24’ |

**D.** Parking areas shall meet the following materials standards:

**1.** All parking spaces and stacking lanes shall be clearly identified using paint, bumper guards, curbing, or similar treatment.

**2.** Parking areas shall be properly maintained in all respects. Notwithstanding the foregoing, parking surfaces shall be kept in good condition, free from potholes and similar hazards.

**3.** Parking areas or spaces; access drives; travel ways; loading areas; and other vehicle use areas shall be paved with asphalt, concrete, or similar material to provide a durable and dustless surface that will accommodate intended traffic volumes and weights. Pervious asphalt, concrete, pavers, and geo grids may be used upon approval of the TRC. The design of the base course and surface material shall be appropriate for the underlying soil and the weight and frequency of vehicle use.

**4.** Properly permitted parking areas existing as of the date of Ordinance adoption shall be considered legally non-conforming. The parking materials standards of the Ordinance shall apply to new development, expansions of existing parking areas, and redevelopment of existing parking areas where fifty (50) percent or more of the parking lot area is being redeveloped.

**5.** Access drives shall be paved and maintained from the curb line of the adjoining street to a point at least ten (10) feet beyond the public right-of-way, for all parking and loading facilities, whether paved or unpaved.

**6.** The requirements of Subsection 3. above shall not apply to any of the following situations upon TRC approval of a request for exemption to paving requirements:

**a.** Parking lots of less than ten (10) spaces

**b.** Uses within the Agricultural and Open Space use categories.

**c.** Uses with an estimated weekly trip generation rate of less than seventy (70) trips per week.

**d.** Development built under the North Carolina Residential Building Code.

**e.** Manufactured homes on individual lots and manufactured home parks.

**f.** Campgrounds.

**g.** Overflow parking areas used no more than once per week.

**h.** Parking areas for athletic facilities that are accessory to an elementary or secondary school.

**i.** Parking areas for manufacturing uses in the L-I and H-I Districts, provided they are graded and constructed with a minimum of four (4) inches of crushed rock.

**j.** Parking areas for tracked heavy construction equipment, including skid-mounted and similar equipment, provided these parking areas are graded and constructed with a minimum of four (4) inches of crushed rock.

**k.** Parking for special events or temporary uses.

**7.** Properly constructed load-bearing concrete dumpster pads shall be located beneath and in the approach area to the dumpster.

**8.** Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided except where otherwise approved by the Zoning Administrator.

**9.** Where parking facilities are not paved, parking spaces shall be delineated with permanent markings such as curb stops.

**E.** Structured Parking

**1.** Parking decks shall meet the dimensional requirements of this Subsection.

**2.** Above-grade parking decks shall be screened in such a way that cars on the street level of the deck are not readily visible from any adjacent rights-of-way.

**F.** Park and shuttle spaces in the G-C, H-C, L-I and H-I Districts:

**1.** The Zoning Administrator may authorize any use which has a minimum of one hundred and seventy-five (175) contiguous parking spaces to serve as a park and shuttle lot provided that not more than ten (10) percent of the parking spaces for the use may be designated as park and shuttle spaces.

**2.** All designated park and shuttle spaces shall be located in outlying areas of the parking lot so as to not interfere with customer or employee parking needs.

**3.** All park and shuttle spaces shall be used for short-term parking for patrons of any public carpool, vanpool, or transit program.

**4.** For the purposes of this Section, short-term shall be defined as a period of less than twenty-four (24) hours.

### 6.4.2 Driveways

**A.** No person may construct any driveway entrance or other opening onto a state-maintained road except in accordance with a permit issued by the North Carolina Department of Transportation (NCDOT) or the Town of Siler City.

**B.** All driveway entrances and other openings onto town-maintained streets shall, at a minimum, conform to the requirements set forth in the "Policy on Street and Driveway Access to North

Carolina Highways" by NCDOT, except where:

**1.** More than one (1) driveway is permitted along a single property frontage. In such situation, the minimum separation between driveways and intersecting streets shall be at least five (5) feet if the driveway is located along a minor street or local street. Driveways accessed by an alley shall have no separation requirement.

**2.** The recommendations of a required Traffic Impact Analysis run counter to the Policy on Street and Driveway Access and the approval authority for the project believes the recommendations of the TIS to be appropriate.

### 6.4.3 Drive-Through Stacking Lanes

**A.** Development which includes drive-through facilities shall provide stacking lanes in accordance with Table 6.6, Drive-Through Facility Stacking Lanes.

**B.** Each stacking lane shall be a minimum of nine (9) feet in width and shall be delineated with pavement markings.

**C.** Each stacking space shall be a minimum of sixteen (16) feet in length. However, individual spaces within the lane need not be delineated with pavement markings.

**D.** Stacking lanes shall not interfere with access to required parking or ingress/egress from an adjacent street.

**E.** Drive-through stacking lanes shall be counted towards the minimum number of required parking spaces for all uses.

**Table 6.6 Drive-Through Facility Stacking Lanes**

| Number of Lanes | Number of Spaces Per Lane |
|---|---|
| 1 | 5 |
| 2 | 5 |
| 3 | 4 |
| 4 or more | 3 |

### 6.4.4 Pedestrian Walkways Within Parking Areas

**A.** The following provisions shall apply to new development of any uses listed within the Commercial Use category in Table 7.6 (Table of Permitted Principal Uses).

**B.** Said developments shall provide a physically separated and unobstructed paved pedestrian walkway a minimum of five (5) feet in width between the principal building entrance and the adjacent street right-of-way.

**C.** The requirements of this Section may be waived by the Zoning Administrator where one (1) or more of the following conditions exist:

**1.** Developments which are expected to create little or no pedestrian traffic (e.g., transmission towers, utilities).

**2.** Parking areas that are not intended for public access.

**3.** Topographic grades exist where pedestrian walkways would exceed an eight (8) percent grade between an adjacent street and the parking area or finished floor elevation of the proposed development.

**4.** There are existing building or utility obstructions on the subject property that block connection of the pedestrian walkway.

**5.** Impractical difficulties arising from an unusual building lot configuration or other unique circumstances related to the property.

### 6.4.5 Cross-Access Requirements

**A.** New development of any uses listed within the Commercial Use category in Table 7.6 (Table of Permitted Principal Uses), shall provide vehicular cross-access connections to adjacent property.

**B.** Cross-access shall be formalized through the recordation of an easement on a final plat, or other instrument where no plat is proposed.

**C.** Cross-access drives shall be constructed within a designated cross-access easement a minimum of twenty-four (24) feet in width for two-way traffic, and twelve (12) feet for one-way traffic.

**D.** Plantings shall not be required where cross-access drives cross a required bufferyard.

**E.** Cross-access drives shall include pedestrian walkways at least five (5) feet in width adjacent to the right of way.

**F.** Cross-access requirements may be waived by the Zoning Administrator where one (1) or more of the following conditions exist:

**1.** Existing cross-access drives, service roads, or side streets provide sufficient access between the subject property and adjoining property.

**2.** There are incompatible land uses on adjoining properties that should not be connected by a cross-access drive (e.g., commercial or industrial uses adjoining areas intended for future residential uses).

**3.** The subject property does not have an average minimum depth of one hundred twenty-five (125) feet.

**4.** The adjoining property does not abut the subject property for at least sixty (60) continuous feet.

**5.** There are existing building or utility obstructions on the subject property, or the adjoining property, that block connection of the cross-access drive.

**6.** The cross-access drive cannot avoid crossing significant natural or man-made features (e.g., a stream or stormwater management pond).

**7.** An unimpeded motor vehicle connection cannot be made through the subject property to the adjoining property within the required cross-access easement.

**8.** The cross-access drive cannot connect to existing cross-access drive stubs on adjoining property, or there is not sufficient undeveloped land on the adjoining property to allow room for a future building and accompanying parking area, along with a connecting drive to the subject property.

**9.** Existing topographic grade changes with adjoining properties are greater than ten (10) percent, and drive connections cannot be made to the adjoining property without creating unsafe vertical vehicular grades, or impeding necessary traffic circulation on the subject property.

**10.** Proposed building(s) on the subject property cannot be reasonably relocated to allow for a cross-access drive connection to adjoining property. A contract or owners' association agreement shall be required for maintenance of cross-access drives.

### 6.4.6 Loading and Unloading Areas

**A.** Any building or lot used for retail, office, institutional, or industrial purposes constructed after adoption of this Ordinance shall be designed to provide adequate space for off-street loading and unloading of goods and materials. Such space may be inside or outside of a building and shall be in addition to the parking recommendations of Table 6.4.

**B.** The number of loading areas shall be determined by Table 6.7 Number of Loading Spaces Required.

**Table 6.7 Number of Loading Spaces Required**

| *Gross Floor Area* | *Minimum Number of Spaces* |
|---|---|
| Retail Uses | |
| 0 – 20,000 square feet | 0 |
| 20,001 – 40,000 square feet | 1 |
| 40,001 – 80,000 square feet | 2 |
| 80,001 – 150,000 square feet | 3 |
| 150,001 – 250,000 square feet | 4 |
| For each 100,000 square feet or fraction thereof | 1 |
| Office and Institutional Uses; Hotels/Motels | |
| 0 – 50,000 square feet | 0 |
| 50,001 – 100,000 square feet | 1 |
| For each 100,000 square feet or fraction thereof | 1 |
| Industrial Uses | |
| 0 – 10,000 square feet | 0 |
| 10,001 – 40,000 square feet | 1 |
| 40,001 – 100,000 square feet | 2 |
| 100,001 – 160,000 square feet | 3 |
| 160,001 – 240,000 square feet | 4 |
| 240,001 – 320,000 square feet | 5 |

| | |
|---|---|
| 320,001 – 400,000 square feet | 6 |
| For each 100,000 square feet or fraction thereof | 1 |

**C.** Loading and unloading areas shall be located on the same lot or adjoining lot as the use for which they are provided.

**D.** Each loading area shall be at least twelve (12) feet wide, fifty-five (55) feet long, and shall have a minimum height clearance of fourteen (14) feet.

**E.** Loading areas shall be designed and located such that commercial vehicles shall not back into a public street or alley.

**F.** The Zoning Administrator may authorize a reduction of the loading requirements or number of loading spaces for any mixed-use project or set of adjacent uses where peak loading demand characteristics or hours of operation are distinctly different:

**1.** A request for shared loading shall be accompanied by information necessary to determine the appropriateness of the request, such as a description of the uses, a site plan, or a transportation engineering report.

**2.** All shared loading spaces shall be located to provide reasonably equivalent accessibility and usability to all uses which the loading is intended to serve.

**3.** In cases where the uses for which shared loading is requested are located on lots under different ownership, a contract shall be provided.

**4.** In determining whether to approve a reduction for shared loading, the Zoning Administrator shall consider all relevant factors, including peak loading demand; hours of operation; and potential improvements in loading facility design, circulation, and access afforded by a shared loading facility.

**G.** Where a lot containing one (1) or more structures constructed before the effective date of this Ordinance does not have sufficient space to accommodate the number of loading spaces prescribed in Table 6.7, and a change of use that does not involve any enlargement of the structure(s) occurs, the loading requirements of Table 7 may be partially or completely waived by the Zoning Administrator. However, loading spaces shall still be provided to the extent practicable.

## 6.5 Open Space Standards

### 6.5.1 Purpose.

This Ordinance requires certain types of development to provide dedicated, perpetually preserved open space to:

**1.** Provide areas for active and passive recreation;

**2.** Provide pedestrian connections to community facilities;

**3.** Preserve environmentally sensitive lands and wildlife habitat;

**4.** Preserve scenic vistas;

**5.** Provide relief from the urban heat island effect; and

**6.** Promote the preservation of historically or archaeologically significant areas.

### 6.5.2 Applicability

**A.** The standards of this Section are applicable to new development in the A-R, R-20, R-10, R-6, R-3, R-MH, B-1, G-C, and H-C zoning districts, and cluster developments. The open space standards for PUD districts will be determined with the approval of a Master Development Plan and conditions.

**B.** Within the aforementioned districts, new residential and residential-containing mixed-use development, excluding dwellings on existing subdivided lots or lots created through the minor subdivision process which are built under the North Carolina Residential Building Code, shall require open space to be set aside in accordance with the standards of this Section.

**C.** Residential development of twelve (12) or fewer units shall be exempt from the requirements of this Section.

**D.** Development within the Downtown Siler City Overlay District (DSCD) shall be exempt from the requirements of this Section.

### 6.4.3. General Standards

**A.** No less than ten (10) percent of the total land area of sites being developed in the R-3, B-1, G-C, and H-C zoning districts and no less than twenty (20) percent of the total land area of cluster developments in the A-R, R-20, R-10, R-6, and R-MH districts shall be preserved and dedicated as open space.

**B.** Open space may take the form of Passive, Active, or Urban open space as described in Subsection 6.4.4. (Types of Open Space) below. At least twenty (20) percent of the required open space within a development shall take the form of Active or Urban open space. Land on individual lots not held in common ownership and land covered by buildings not designated for active recreational use (such as community centers and clubhouses) shall not be designated as required open space. Multi-family/apartment developments shall be required to provide open space in the amount of 100 square feet per unit of passive or urban open space, and/or an element of active open space for every 50 residents.

**C.** Dedicated open space shall be accessible by residents and users of the development by means of a public or private street, private drive, or all-weather walkway within a common area or easement.

**D.** Open space shall be distributed throughout a development so that no lot is further away than 1500 feet from an active or urban open space area as measured along a publicly accessible pathway.

**E.** Where the preservation of some or all of the open space required by this Section is not practicable, the developer may request fee-in-lieu consideration in accordance with Subsection 6.4.7 (Fee-in-Lieu).

**F.** No part of any yard, other open space, or off-street parking or loading space required for any building, structure or other use shall be considered to be a part of a required yard, open space, off street parking or loading space for any other buildings, structures or use unless explicitly provided to the contrary in this Ordinance.

### 6.4.4 Types of Open Space

Open space within the Town of Siler City shall be classified as passive, active, or urban open space according to the following descriptions:

**A.** Passive Open Space

**1.** Open space existing in its natural state shall be considered passive open space. Passive open space shall include farm and forestry lands within the boundary of the development, required bufferyards (including the required perimeter bufferyard for Major Subdivisions and Planned Unit Developments described in Subsection 6.2.6 (Bufferyard Requirements) and water features such as lakes, ponds, or streams.

**2.** The area of Stormwater Control Measures using natural infiltration practices and installed according to Chapter 11 (Water Management) shall be allowed to count as passive open space.

**B.** Active Open Space. The following development features shall be considered active open space:

**1.** Recreational Amenity. An amenity intended for the recreational use of the occupants of the development, examples of which include golf courses; tennis, pickleball, or basketball courts; outdoor or indoor swimming pools; and neighborhood clubhouses or community centers.

**2.** Playground. A play area for children which includes playground equipment.

**a.** Play surfaces may be covered in sand, wood chips, poured-in-place rubber, or other equivalent material.

**b.** Paths and walkways may be paved in concrete, crushed gravel, brick pavers, or similar material.

**c.** Playgrounds shall be sited or screened in a manner that prevents negative impacts on adjoining residences.

**d.** Playground equipment shall be maintained in proper working condition at all times.

**3.** Public Parks and Greenways. Active open space owned and operated by the Town of Siler City or Chatham County, designed and located to facilitate enjoyment by all Town residents.

**4.** Private Parks and Greenways. Active open space designed exclusively for the residents of a development, owned and operated by the development's homeowners' association.

**5.** Private Trails. Walkways designed exclusively for the residents of the development, with maintenance funded by the development's homeowners' association. Any open space area containing private trails shall be at least twenty (20) feet wide in order to accommodate sufficient trail width and a natural buffer on either side of the trail.

**6.** Other types of active open space meeting the intent of this Ordinance may be approved by the Zoning Administrator.

**C.** Urban Open Space

**1.** Square. An area intended for passive recreational use, 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 are often entirely paved in brick or stone pavers, or similar material, but may be partially paved with other areas covered in plantings or grass. Squares may include decorative walls/fences, walkways, statues, fountains, outdoor furniture, picnic shelters, gazebos, and trails. A square is generally between five hundred (500) and thirty thousand (30,000) square feet in size.

**2.** Plaza. An open gathering place adjacent to a community building or similar facility. A plaza may incorporate a variety of non-permanent activities such as vendors and display stands. Plazas are usually paved in masonry pavers, or similar materials, and are generally level, though they may be stepped or gently sloping (with a maximum 5% grade). Plazas are often unplanted. Recommended square and plaza sizes may be larger or smaller depending on the surrounding neighborhood or building design. Squares may include decorative walls/fences, walks, statues, fountains, outdoor furniture, picnic shelters, gazebos, and trails. A plaza is generally between 2,000 square feet and one (1) acre in size.

**3.** Green. A type of open space which is informally planted and may have irregular topography, including slopes greater than five (5) percent. Greens should contain no structures other than benches, pavilions, and memorials. Paths within the green are optional.

**4.** Other types of urban open space meeting the intent of this Ordinance may be approved by the Zoning Administrator.

### 6.4.5 Development Within Town-Designated Future Recreation Areas

**A.** If any portion of any lot proposed for residential development lies within an area designated on the adopted Siler City Recreation Master Plan as a park or part of the greenway or bikeway system, the area so designated shall be included as part of the area used to satisfy the requirement of Subsection 6.4.3 (General Standards), up to a maximum of five (5) percent of the total lot area.

**B.** This area shall be dedicated to the Town upon approval by the Board of Commissioners.

**C.** If more than five (5) percent of a lot proposed for residential development lies within an area designated as a park, greenway, or bikeway on the Siler City Recreation Master Plan, the town may attempt to acquire the additional land through purchase or condemnation in accordance with state law.

### 6.4.6 Ownership and Maintenance

**A.** Open space within a development shall be owned by a homeowners' association or other entity established to hold and manage the land in perpetuity. That entity's covenants and restrictions, or similar document, shall address the maintenance of the open space and shall be recorded in the Chatham County register of deeds and referenced on individual deeds within the development.

**B.** Alternatively, the developer may offer to dedicate open space to the Town of Siler City or a land conservancy. The Town shall not be bound to accept any offer of land dedication.

**C.** Subject to applicable law, the Town shall have the right to sell any land dedicated to the Town for open space, recreation, or park use upon a finding by the Board of Commissioners that a particular piece of property is not feasible or compatible with the Town's Land Use Plan or Recreation Master Plan.

**1.** The proceeds from such transactions or sales shall be held in a special fund by the Town, and the funds shall be used by the Town for the purpose of acquiring, developing, and rehabilitating public recreation areas (both land and capital improvements) to Town-owned recreational facilities and for no other purpose.

**2.** The depository for such funds may be the same as permitted for other funds of the Town. The funds shall be appropriated by the Town for a specific project to serve the residents of the subject development.

**3.** The Town may, at its discretion, add additional monies to the fund for the purposes of purchasing, developing, and rehabilitating public recreational land to be used for public recreational purposes.

**D.** Open space shall be required to be maintained in perpetuity, and the cost and responsibility of maintaining said open space and any facilities located therein shall be borne by the owner of said open space.

### 6.4.7 Fee-in-Lieu

**A.** In situations where providing all of the required open space within a development is impracticable, developers may elect to pay a fee-in-lieu upon approval of the permit issuing authority.

**B.** Where a fee is to be paid in-lieu with respect to a development, the amount of such fee shall be per the published Town of Siler City Fee Schedule.

**C.** Fees collected in lieu and any proceeds from such transactions or sales shall be held in a special fund by the Town, and the funds shall be used by the Town for the purpose of acquiring, developing, and rehabilitating Town-owned public recreation areas (both land and capital improvements). Funds shall be used for no other purposes.

**D.** The depository for such funds may be the same as permitted for other funds of the Town. Collected fees shall be appropriated by the Town Board for a specific project to serve the residents within the immediate area of the subject development.

**E.** The Town may, at its discretion, add additional monies to the fund for the purposes of purchasing, developing, and rehabilitating public recreational land to be used for public recreational purposes.

**F.** The developer shall indicate on the permit application if they wish to seek approval for the fee-in-lieu option. The permit issuing authority shall determine the appropriateness of this option as part of the permit approval process. Any payment-in-lieu fees shall be paid prior to issuance of a final plat or zoning permit.

**G.** The permit issuing authority has the option to require the developer to approve or deny the fee-in-lieu request.

## 6.5 Lighting Requirements and Standards

### 6.5.1 Generally

**A.** Intent. The purpose of this Section is to identify locations that require lighting and to provide standards for exterior lighting to prevent adverse effects on motorists, pedestrians, and adjacent properties. Lighting intensity should be controlled to assure that light spillover and glare are not directed at adjacent properties, neighboring areas, motorists, or the sky.

**B.** Applicability. The development standards of this Section shall apply to all development permitted after the adoption of this Ordinance, except for the uses constructed under the Residential Building Code for the State of North Carolina. Streetlights and temporary lighting shall also be exempt from the requirements of this Section.

**1.** To the extent that fulfillment of the requirement established in this Section would normally require streetlights installed along public streets, this requirement shall be applicable only to subdivisions located within the corporate limits of the Town.

**2.** All public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this Ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.

**3.** All roads, driveways, sidewalks, parking lots, and other common areas and facilities in un-subdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots and other common areas and facilities.

**4.** All entrances and exits in substantial buildings used for nonresidential purposes and in two-family or multi-family residential developments containing more than four dwelling units shall be adequately lighted to ensure the safety or persons and security of the buildings.

### 6.5.2 Lighting Plan

**A.** A lighting plan prepared by a lighting certified (LC) lighting professional or a professional engineer licensed in the State of North Carolina shall demonstrate that all exterior lighting is designed, located, and installed in accordance with Ordinance standards.

**B.** Prior to the issuance of a certificate of occupancy, the LC lighting professional or professional engineer shall certify in writing that that lighting was installed per the approved plans.

### 6.5.3 Light Level Measurement

**A.** Light levels are specified, calculated, and measured in footcandles.

**B.** All values are initial footcandles.

**C.** Measurements shall be made at ground level with the light-registering portion of the meter held horizontally pointing up.

### 6.5.4 General Lighting Standards

**A.** Outdoor lighting shall be integrated with the architectural character of the building.

**B.** Light levels for all exterior lighting measured at any residential property line or public right-of-way shall not exceed one-half (1/2) footcandle.

**C.** Parking lot lighting shall utilize fixtures certified as full cutoff and with a maximum glare rating of G3.

**D.** Uniformity ratios for parking lot lighting shall not exceed 4:1 average to minimum light levels.

**E.** Lights mounted on poles shall have a maximum pole height of thirty-two (32) feet and shall not be mounted greater than thirty-five feet (35) feet above grade including any base or mounting structure.

**F.** Non-shielded wall packs and high-intensity light beams, such as outdoor searchlights, lasers, or strobe lights shall be prohibited. Flashing lights shall also be prohibited.

**G.** Routine maintenance of existing lighting, including changing the lamp, ballast, starter, photo control, fixture housing, lens, and other required components shall be allowed for all existing fixtures. A lighting plan shall not be required for such changes.

**H.** Sensor-activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting onto adjacent properties or rights-of-way. Sensor-activated lighting shall not be triggered by activity off of the property.

**I.** The average lighting level for new and existing service stations shall be no greater than three (3) footcandles under the canopy. Canopy lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

### 6.5.5 Standards for Recreational Lighting

**A.** In addition to the standards of Subsection 6.5.4 (General Lighting Standards), the standards in this Subsection shall apply to the following uses:

**1.** All uses in the Outdoor Commercial Recreation and Outdoor Public Recreation Use

Categories.

**2.** Amphitheater (Outdoor).

**3.** Accessory athletic fields and courts submitted for permitting after [XX, date of Ordinance adoption].

**B.** Fixtures shall be fitted with the manufacturer's glare control package. If the manufacturer does not offer a glare control package, the fixture specification shall be changed to a manufacturer that offers a glare control package.

**C.** Fixtures shall be designed with a sharp cutoff and aimed so that their beams fall within the primary playing area and immediate surroundings, so that off-site direct illumination and glare are significantly restricted.

**D.** The maximum pole height for a new outdoor recreation lighting source shall be eighty (80) feet unless approved by the Town Manager or designee after being determined that the lighting shall have no significant adverse effect on surrounding property.

**E.** Existing poles for outdoor recreation lighting sources with a height greater than eighty (80) feet may be used for new lighting if approved by the Town Manager or designee after being determined that the lighting will have no significant adverse effect on surrounding property.

**F.** The lighting plan shall demonstrate that the maximum candela per fixture does not exceed 7,500 candles at a distance of 150 feet from the edge of the playing field.

## 6.6 Non-residential Site and Building Design Standards

### 6.6.1 Standards Applicable to all Non-residential Development

The standards of this Section shall apply to new non-residential development. Development in the L-I or H-I zoning districts which is screened from public rights of way by a Type III Bufferyard is exempt from these requirements.

**A.** Architectural elements such as openings, sills, columns, and other similar features shall be used to establish quality urban design and visual interest at the street level.

**B.** Scale, proportion, massing, architectural detailing, color, texture, setbacks, space between buildings, and their relative positions on the site shall be used to integrate new development into existing neighborhoods.

**C.** Buildings shall avoid long, uninterrupted walls or roof planes on their facades which are visible from adjacent rights-of-way. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public right-of-way shall be required for any building that is wider than seventy-five (75) feet.

**D.** Buildings wider than seventy-five (75) feet shall incorporate segmentation that creates breaks in the façade, with each segment being no more than seventy-five (75) feet wide. Building segments may be created through the use of vertical features such as changes in material, building offsets (reveals or recesses in the surface of the wall plane), courtyards, changes in rooflines or other architectural techniques that break the building façade into smaller segments. The placement of

window and door openings or the addition of balconies and canopies may also be used to create visual segmentation of a building's façade.

**E.** Building materials shall comply with the following standards:

**1.** Building siding shall be comprised of brick, masonry, or stone; internally tinted masonry block; stucco; wood siding; fiber cement; or glass.

**2.** The sides of buildings visible from adjacent streets shall use similar materials to foster a cohesive overall building design.

**3.** Alternative building materials may be approved by the Board of Commissioners through the Conditional District rezoning process or the approval of a Planned Unit Development. Applicant shall demonstrate the character of the proposed development through proposed building elevations.

**F.** Outdoor storage or trash areas shall be screened in accordance with Subsection 6.15 (Outdoor Storage Area Screening).

**G.** The following standards apply to new construction in the C-C district in addition to A. through F above.

**1.** Windows, doors, columns, eaves, parapets, pilasters, and other building components shall be generally proportional to the overall scale of the building.

**2.** Windows shall have a larger vertical than horizontal dimension to the extent practicable.

**3.** Upper story windows shall be vertically aligned with windows and doors on the street level to the extent practicable.

**4.** Architectural treatments which create the appearance of false entrances facing the street, such as faux windows and doors, shall be prohibited.

**5.** Transparent doors and windows shall constitute fifty (50) percent of the street-level, street-adjacent facades of a development. Upper-level street-adjacent facades shall be at least twenty-five (25) percent transparent. Mirrored glazing, heavily tinted glass which completely obscures interior activity, and spandrel glass shall not count towards transparency requirements. Alternative compliance to these standards may be approved by the Board of Commissioners through a Conditional District rezoning.

**6.** Buildings shall have their primary customer entry facing the street. Buildings fronting two or more streets may choose which street the primary customer entry faces.

**7.** Mechanical equipment such as HVAC units and generators shall be screened from public view in accordance with Subsection 6.2.15 (Outdoor Storage Area Screening.

**8.** Loading bays shall not face an adjacent right-of-way except as approved by the Board of Commissioners through a Conditional District rezoning.

**9.** Architectural elements such as openings, sills, columns, and other similar features shall

be used to establish quality urban design and visual interest at the street level.

### 6.6.2 Additional Standards Applicable to Multifamily Development

**A.** Intent. The following design standards are intended to promote building and site design which is creative, functional, and reflective of the Town of Siler City's desired development character.

**B.** Applicability. The standards of this Subsection shall apply to the uses Live/Work Dwelling; Multifamily Dwelling; Mixed Occupancy; Dormitory, Private; Fraternity or Sorority House; Assisted Living/Nursing Facility; and Continuing Care Retirement Community. Multifamily Site and Building Design standards shall apply in the following situations:

**1.** New multifamily development built under the North Carolina Commercial Building Code. Multifamily development built under the North Carolina Residential Building Code shall be exempt from these design standards.

**2.** Reconstruction or renovation of existing structures, the cost of which is equal or greater than seventy-five percent (75%) of tax value of the existing structure, as listed in the most recent annual property tax bill prepared by the Chatham County tax assessor. Owners of such structures may submit an appraisal from a licensed appraiser if the tax value is disproportionately low compared to the cost of reconstruction or renovation.

**3.** Additions to existing structures , in that such additions shall not create a greater level of nonconformity with the provisions of this Section than currently exists on-site.

**4.** Exterior alterations to existing structures in that such alterations shall not create a greater level of nonconformity with the provisions of this Section than currently exists on-site.

**C.** Design Standards

**1.** The street level finished floor elevation of buildings subject to this Section shall be at least twenty-four (24) inches above the finished grade of the parcel on at least three (3) sides of the structure. This requirement shall not apply to developments with age-related deed restrictions.

**2.** Architectural elements shall be used to establish human scale at the street level.

**3.** Buildings shall avoid long, uninterrupted walls or roof planes on facades which are visible from adjacent rights-of-way.

**4.** Architectural details shall be used to add interest and variety, such as balconies, building wall and roof offsets, recesses, and projections.

**5.** All sides of the building visible from adjacent rights-of-way shall include similar architectural detailing.

**6.** Windows, doors, columns, eaves, and other building components shall be proportional to the overall scale of the building.

**7.** Buildings shall be oriented to front the street or to frame common open space or other

amenities. At least one primary building entrance shall address the street, common open space, or other amenity on which the building fronts.

**8.** Upper story windows shall be vertically aligned with windows and doors on the street level to the extent practicable.

**9.** Parking areas shall be located to the side or rear of buildings, or underground.

**10.** Mechanical equipment such as HVAC units, utility meters, transformers, and generators shall be screened from public view in accordance with Section 6.15 (Outdoor Storage Area Screening). Flat roofs shall include a parapet wall of sufficient height to screen all rooftop mechanical equipment.

**11.** Outdoor storage or trash areas shall be screened in accordance with Section 6.15 (Outdoor Storage Area Screening).

## 6.7 Utility and Infrastructure Standards

### 6.7.1 All Utility Systems

This Section applies to new development and redevelopment. The requirements of the Appendices of the UDO and TriRiver Water also apply.

**A.** All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

**B.** To the extent practicable all new utility installations are required to comply with the following:

1. Utilities in the Town of Siler City shall be located within the right of way when possible. Where such installation is not practicable, a utility-specific easement shall be provided. All non-Town utilities shall be located within a ten (10) foot utility easement behind the right-of-way line.

**2.** All water lines and underground utilities shall run adjacent to roads.

**3.** Stream crossings shall be the minimal number necessary to deliver water, electricity, telecommunications, etc. to the service area.

**4.** All stream crossings should be perpendicular to the stream.

**5.** No new sewer lines or structures should be installed or constructed in the 100-year floodplain nor within 50 feet of wetlands associated with the 100-year floodplain.

**6.** Sewer lines should be located outside of the protected buffer areas.

**7.** Sewer lines closest to streams or crossings should be constructed of ductile iron.

**8.** Sewer lines should parallel streams and be at the maximum distance from streams and tributaries practical.

**9.** Sewer line crossings should be kept to a minimum and are limited to crossing major stream or creek confluences.

**10.** Only aerial or directional boring is allowed when new sewer lines are installed across streams.

**11.** Manholes or similar access structures should not be allowed within buffer area.

**C. Utility Ownership and Easement Rights. In** any case in which a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to the utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

**1.** Easements shall be sufficiently wide to provide installation access for maintenance and operation.

**2.** Utility easements must be recorded with final plats or noted on site plans.

**3.** Utilities in drainage easements are permitted only upon specific authorization from the TRC and only in the locations authorized. The TRC may approve utilities in drainage easements where it determines that adequate measures have been taken to avoid erosion, flooding, or other situations that would damage the utilities.

### 6.7.2 Road Standards

Roadway standards are found in Chapter 8 (Subdivision Regulations) and Appendix C (Design and Construction Guidelines).

### 6.7.3 Electric Utilities

All power lines for new development shall be buried underground unless all of the following criteria can be met:

**A.** The power lines existed above ground at the time of the first approval of a plat or plan for development, whether or not the power lines are subsequently relocated during construction of the subdivision or plan.

**B.** The power lines are located outside the boundaries of the parcel of land that contains the subdivision, or the property covered by the approved plan for development.

### 6.7.4 Fire Protection

Every development (subdivided or un-subdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

**A.** The presumption established by this ordnance is that to satisfy the standard set forth in Subsection (a), fire hydrants must be located so that all parts of every building within the development may be served by a hydrant by laying not more than 500 feet of hose connected

to such hydrant. However, the fire chief may authorize or require a deviation from this standard if in his or her professional opinion another arrangement more satisfactorily complies with the standard set forth in Subsection (a).

**B.** The fire chief shall determine the precise location of all fire hydrants, subject to the other provisions of this Section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter.

**C.** The fire chief shall determine the design standards of all hydrants based on fire flow needs. Unless otherwise specified by the fire chief, all hydrants shall have two 2.5-inch hose connections and one 4.5-inch connection. The 2.5-inch hose connections and shall be located at least 21.5-inches from the ground level. All hydrant threads shall be nation standard threads.

**D.** Water lines that serve hydrants shall be at least six-inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

### 6.7.5 Water and Sewer Utilities

**A.** Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision and that complies with all applicable health regulations. Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision and that complies with all applicable health regulations of Chatham County and the State of North Carolina.

**B.** Lots Served by public Water or Sewer Lines. Whenever it is legally possible and practicable in terms of topography to connect a lot to publicly owned water and sewer lines by running a connection line not more than 200 feet from the lot to such lines, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to such line.

**1.** Connection to such water or sewer line is not legally possible if, in order to make connection with such line by a connection line that does not exceed 200 feet in length, is necessary to run the connection line over property not owned by the owner of the property to be served by the connection, and, after diligent effort, the easement necessary to run the connection line cannot reasonably be obtained.

**2.** For purposes of this Chapter, a lot is "served" by a town owned water or sewer line if connection is required by this section.

**C.** Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

**D.** All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

**E.** To the extent practicable (reasonably achievable under the circumstances) all new utility installations are required to comply with the following goals:

1. All water lines and underground utilities should follow roads.

2. Stream crossings should be the minimal number necessary to deliver water, electricity, telecommunications, etc. to the service area.

3. All water and utility crossings should be perpendicular to stream flow.

4. No new sewer lines or structures should be installed or constructed in the 100-year floodplain nor within 50 feet of wetlands associated with the 100-year floodplain.

5. Sewer lines should be located outside of the protected buffer areas.

6. Sewer lines closest to streams or crossings should be constructed of ductile iron.

7. Sewer lines should parallel streams and be at a maximum distance from streams and tributaries.

8. Sewer line crossings should be kept to a minimum and are limited to crossing major stream or creek confluences.

9. Only aerial or directional boring is allowed when new sewer lines are crossing streams

10. Manholes or similar access structures should not be allowed within buffer area.

**F.** Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, furnish the Town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

**G.** Connection of properties located outside the municipal limits of the Town shall be available only after the properties are annexed to the Town.

# CHAPTER 7: LAND USES AND USE-SPECIFIC DEVELOPMENT STANDARDS

## 7.1 Applicability

The regulations contained herein are applicable to properties within the Town of Siler City and its extraterritorial jurisdiction. The development standards of this Chapter apply in addition to all other requirements of this Ordinance including but not limited to Chapter 5 Zoning, Chapter 5 Development Standards Applicable to All Uses, Chapter 11 Water Management and Chapter 8 Subdivision Regulation. See Chapter 9 Nonconforming Situations for existing uses that do not meet the development standards herein.

## 7.2 Land Uses Distinguished

Land uses permitted within the Town of Siler City's planning jurisdiction shall be classified as one of three types: principal, accessory, or temporary:

**A.** Principal Uses. Principal uses are the primary; permanent use types proposed on a particular lot.

**B.** Accessory Uses. Accessory uses are the subordinate uses found on the same lot as a principal use. Accessory structures are also considered accessory uses.

**C.** Temporary Uses. Temporary uses are structures or activities permitted for a limited period of time on a particular lot.

**D.** Each type of use is described in this Chapter through general regulations, use categories, a Table of Permitted Uses, and standards particular to specific uses.

## 7.3 Principal Uses

### 7.3.1 Principal Uses, Generally

**A.** Uses Allowed in a Planned Unit Development (PUD)

**1.** Uses allowed in a Planned Unit Development (PUD) shall be proposed by the applicant and approved by the Town Commissioners. A list of allowed uses must be included in the development master plan or terms and conditions document approved as part of the zoning map amendment establishing the PUD.

**2.** Uses and individual use standards not listed in the table may be requested for a PUD as part of the master plan, with terms and conditions approved as part of the rezoning process.

**B.** Overlay District Requirements. Established overlay districts may include use requirements and standards that differ from the standards of the underlying zoning district. Where allowable use standards in an overlay district conflict with those of the underlying district, the overlay district standards shall apply.

**C.** Combination of Principal Uses or Multiple Principal Uses. Developments which include a combination of principal uses or multiple principal uses shall incorporate only those uses allowed in the property's zoning district. Said uses shall comply with all use standards that apply to each use in the development and shall comply with the required method of establishment for each use.

**D.** Prohibited Uses. The presumption established by this Ordinance is that all legitimate uses of land

are permissible within at least one (1) zoning district within the Town's planning jurisdiction. However, the following uses shall be determined to be prohibited within the Town:

**1.** Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials which are in violation of the Town's fire prevention code.

**2.** Use of a recreational vehicle as a permanent residence except as allowed by Subsection 7.3.4.77 (Recreational Vehicle Park)

**E.** Change of Use

**1.** For the purposes of this Ordinance, a "change of use" shall occur when the existing principal land use of the structure or property is replaced by a different principal land use.

**2.** In the event an establishment closes, a new establishment which is verified by the Zoning Administrator to be classified as the same use shall be allowed to open in the vacated space. Such activity shall not be considered a change of use, regardless of how many days the vacated space has been unoccupied.

**3.** A change of business ownership or business name shall not be considered a change of use.

**4.** Changes of use within a Planned Unit Development shall only be allowed if such uses were approved as part of the initial PUD approval, or a properly approved subsequent amendment to the initial approval.

**5.** The addition or conversion of an accessory or temporary use does not constitute a change of use as described herein.

### 7.3.2 Principal Use Categories

The uses in the principal use table are arranged in use categories that group similar uses together. The table is divided into the following Residential, Institutional, Commercial, Industrial and Agricultural use categories and descriptions:

**1.** Residential Uses. Table 7.1, Residential Use Categories, describes the types of uses included in the residential use classification in Table 7.6 (Table of Permitted Principal Uses), and gives examples of uses in this category.

| **Table 7.1 Residential Use Categories** | |
|---|---|
| *Use Category* | Description<br>*Example Uses* |
| **Household Living** | The Household Living Use Category includes use types that provide for the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis. Accessory uses commonly associated with household living are recreational activities, keeping and raising pets, hobbies, and parking of the occupants' vehicles. Home occupations are accessory uses that are subject to additional regulations. |

| | |
|---|---|
| | *Examples include detached residential dwellings like single-family detached dwellings and manufactured homes, attached residential structures like townhouses, multi-family uses, upper story dwellings, and similar uses.* |
| **Group Living** | The Group Living Use Category includes use types that provide for the residential occupancy of a structure by a group of people who do not meet the definition of "household." The size of the group may be larger than the average size of a household. Tenancy is typically arranged on a monthly or longer basis. Generally, group living structures have a common eating and or congregating area for residents. The residents may receive care, training, or treatment. Accessory uses include recreational facilities, dining facilities, and parking of vehicles for occupants and staff |
| | *Examples include dormitories, family care homes, group homes, rooming, boarding houses, and similar uses. Facilities for rehabilitation or the treatment of addiction are considered assisted living facilities by this Ordinance.* |
| **Life Care** | The Life Care Use Category includes establishments providing residential occupancy to unrelated individuals in need of care, treatment, or assistance. Assistance may take the form of daily life care, specialized medical care, and counselling, addiction, or fostering services. |
| | *Examples include congregate care, nursing homes, rehabilitation centers, and retirement communities.* |

**2.** Institutional Uses. Table 7.2 Institutional Use Categories, describes the types of uses included in the institutional use classification in Table XX, Principal Use Table, and gives examples of uses in this category.

| **Table 7.2 Institutional Use Categories** | |
|---|---|
| *Use Category* | Description |
| | *Example Uses* |
| **Civic** | The Civic Use Category includes uses of a public, nonprofit, or charitable nature that provide government services, cultural amenities, public safety services, and educational services. Services and facilities typically include meeting areas, display areas, recreational features, as well as indoor facilities used primarily for business or professional conferences, seminars, and training programs. Generally, such uses are open to or provide services to members of the general public. Accessory uses may include parking, training facilities, kitchens/cafeterias, recreation areas, offices, meeting rooms, storage, and food sales or consumption. |
| | *Examples include community centers, museums, libraries, senior centers, youth clubs, and art galleries.* |
| **Day Care** | The Day Care Use Category includes use types that provide care, protection, and supervision for children or adults away from their primary residence for less than 24 hours a day. Care may include education and development activities. Accessory uses include offices, food preparation facilities, recreation areas, and parking areas. |

| | |
|---|---|
| | *Examples include adult and child day care centers. Home day care is considered an accessory use. Drop-in or short-term day care provided in connection with employment or provided as a service for patrons of a recreational facility, religious institution, hotel, or other principal uses is not included in the Day Care Use Category.* |
| **Education** | The Education Use Category is characterized by uses engaged in the provision of educational services to children and adults through public or private learning institutions. Accessory uses include living quarters, food preparation facilities, recreational facilities, offices, gathering spaces, and related activities. |
| | *Examples include primary and secondary schools, colleges, vocational schools, and establishments engaged in providing training for profit or as a community service.* |
| **Health Care** | The Health Care Use Category includes use types that provide medical or surgical care and treatment to patients, as well as laboratory services. Accessory uses may include offices, laboratories, laundry facilities, teaching facilities, meeting areas, cafeterias, parking areas, maintenance facilities, housing for staff or trainees, and limited accommodations for family members of patients receiving treatment. |
| | *Examples include hospitals, outpatient medical facilities, urgent care providers, congregate care, memory care, drug and alcohol treatment facilities, psychiatric treatment facilities, and blood/tissue collection facilities.* |
| **Interment** | The Interment Use Category includes uses that provide locations for the burial or storage of human or animal remains. Accessory uses include crematoria and storage facilities for groundskeeping equipment. |
| | *Examples include cemeteries, burial grounds, columbaria, and mausoleums.* |
| **Open Space** | The Open Space Use Category includes land which satisfies the open space requirements of Section 6.4 (Open Space Standards), and which is used for active or passive recreation, natural resource protection, amenities and/or bufferyards. |
| | *Example open space types include walkways, passive recreation areas, active recreation areas, playgrounds, wooded areas, greenways, and water courses.* |
| **Government** | The Public Safety Use Category includes facilities and establishments engaged in governance and the provision of governing-related services, public safety, and operations. |
| | *Examples include governmental offices, governmental maintenance facilities, post offices, law enforcement facilities, fire stations, and similar uses.* |
| **Religious Institution** | The Religious Institution Use Category is characterized by uses and facilities where people congregate for the purposes of learning, discussion, worship, recreation, or similar activities as part of a faith-based organization. Accessory uses may include recreation facilities, day care, food preparation facilities, offices, and parking areas. |
| | *Examples include religious institutions such as churches, synagogues, temples, and mosques. Schools are considered educational facilities by this Ordinance.* |

**3.** Commercial Uses. Table 7.3 Commercial Use Categories describes the types of uses included in the commercial use classification in Table XX, Principal Use Table, and gives examples of uses in this category.

| **Table 7.3 Commercial Use Categories** | |
|---|---|
| *Use Category* | Description |
| | *Example Uses* |
| **Adult Uses** | The Adult Uses Use Category is characterized by uses which relate to specified sexual activities or specified anatomical areas as described in the North Carolina General Statutes. |
| | *Examples include adult uses as defined in Section 14.202.10(2) of the North Carolina General Statutes.* |
| **Animal Care** | The Animal Care Use Category is characterized by uses related to the provision of medical services and treatment to animals, including veterinary services, animal hospitals, and the boarding of animals related to the provision of these services. |
| | *Examples include animal shelters, animal grooming, kennels, animal hospitals, and veterinary clinics.* |
| **Drinking Establishment** | The Drinking Establishment Use Category includes use types where alcoholic beverages are prepared and sold for immediate or direct on- or off-premise consumption. Accessory uses may include kitchens, food sales, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities. |
| | *Examples include bars or nightclubs, brewpubs, bottle shops, and private clubs with indoor and outdoor seating.* |
| **Eating Establishment** | The Eating Establishment Use Category includes use types where food and beverages are prepared and sold for immediate on- or off-premise consumption. Accessory uses may include bars or cocktail lounges associated with the establishment, decks and patios for outdoor seating, drive-through facilities, facilities for live entertainment or dancing, customer and employee parking areas, and valet parking facilities. |
| | *Examples include restaurants with indoor and outdoor seating, and restaurants with or without drive-through service.* |
| **Indoor Commercial Recreation** | The Indoor Commercial Recreation Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities, which are conducted indoors and are commercial in nature. |
| | *Examples include billiard halls, bowling alleys, movie theaters, dance and yoga studios, fitness centers, sports instructional schools, martial arts studios, and similar uses.* |
| **Office** | The Office Use Category includes use types that provide for activities conducted in an office setting and which generally focus on business, professional, or financial services. Accessory uses may include cafeterias, day care facilities, recreational or fitness facilities, parking, supporting commercial, or other amenities primarily for the use of employees of the business or building. |

| | |
|---|---|
| | *Examples include professional offices. Offices that are part of and located with a principal use in another use category are considered accessory to that establishment's primary activity and use. Contractors and others who perform services off-site are included in the Offices Use Category if equipment and materials are not stored outside and no fabrication, services, or similar work is conducted on-site. Government offices are classified as Civic uses. Financial institutions offering drive-through or walk-up service to patrons (branch banks or credit unions) are classified as Personal Services. Urgent Care facilities and Dental/Medical Offices are considered Institutional uses by this Ordinance.* |
| **Outdoor Commercial Recreation** | The Outdoor Commercial Recreation Use Category is characterized by use types that provide recreational, amusement, and entertainment opportunities that are commercial in nature and are conducted in outdoor settings. |
| | *Examples include golf course and driving ranges, water parks, amusement parks, and drive-in theaters.* |
| **Outdoor Public Recreation** | The Outdoor Public Recreation Use Category includes use types that are largely devoted to vegetative landscaping or outdoor recreation, tend to have few structures, and are located on public land. Accessory uses may include recreational structures, statuary, fountains, maintenance facilities, concessions and ticketing facilities, and parking areas. |
| | *Examples include arboretums or botanical gardens, parks, community gardens, and areas of undisturbed vegetation on land owned by the public.* |
| **Parking** | The Parking-Related Use Category includes uses engaged in the provision of temporary off-site parking for automobiles, trucks, motorcycles, battery-powered vehicles, and similar vehicles intended for personal transport. Such uses may or may not permit the temporary storage of trailers and similar vehicle-related appurtenances. |
| | *Examples include parking lots and parking structures. Uses engaged in sales or rental of motor vehicles are considered Vehicle-Related uses by this Ordinance.* |
| **Personal Services** | The Personal Services Use Category is characterized by use types related to the provision of services or product repair for consumers. Personal services use types meet frequent or recurrent service needs of a personal nature, including the repair of small personal items. |
| | *Examples include laundromats, photographic studios, mailing or packaging stores, hair salons, and barber/beauty shops, tanning and nail salons, tattoo parlors and body piercing establishments, massage therapists and day spas, dance or music instruction facilities, and psychics or mediums.* |
| **Retail** | The Retail Sales Use Category includes use types involved in the sale, lease, or rent of new or used products primarily intended for the general public. Accessory uses may include offices, storage of goods, limited assembly, processing or repackaging of goods for on-site sale, concessions, provision of product-related service or repair, areas for testing of products prior to purchase, and outdoor and display/sales areas. |
| | *Examples include stores selling, leasing, or renting consumer, home, and business goods, whether new or used, including art and art supply stores, audio/video stores, bicycle sales, book stores, clothing stores, convenience* |

| | |
|---|---|
| | *stores, department stores, electronic equipment stores, fabric shops, furniture stores, florist shops, garden supply centers, gift shops, grocery stores, hardware stores, pet and pet supply stores, and pharmacies.* |
| **Storage and Warehousing** | The Storage and Warehousing Use Category includes properties or buildings engaged in the temporary short-term or long-term storage of goods, personal property, vehicles, and similar items. Storage of goods may take place indoors or outdoors. |
| | *Examples include self-storage warehouses and outdoor storage facilities.* |
| **Visitor Accommodations** | The Visitor Accommodations Use Category includes use types that provide lodging or space for short-term stays for rent or lease. Short-term stays are generally considered to be stays of thirty (30) days or less. Accessory uses may include pools and other recreational facilities, restaurants, bars, meeting facilities, offices, and parking areas. |
| | *Examples include hotels, motels, bed and breakfasts, short-term rentals, and campgrounds.* |
| **Vehicle-Related** | The Vehicle-Related Use Category includes use types involving the direct sale; rental; storage; and servicing of automobiles, trucks, boats, motorcycles, recreational vehicles, and other vehicles intended to transport persons or goods. Accessory uses may include offices, sales of parts, maintenance facilities, parking areas, outdoor display areas, and vehicle storage facilities. |
| | *Examples include vehicle sales or rental; vehicle repair or parts sales, and carwashes.* |

**4.** Industrial Uses. Table 7.4 Industrial Use Categories describes the types of uses included in the industrial use classification in Table XX, Principal Use Table, and gives examples of uses in this category.

| **Table 7.4 Industrial Use Categories** | |
|---|---|
| *Use Category* | Description |
| | *Example Uses* |
| **Industrial Services** | The Industrial Services Use Category includes use types involving the repair, servicing, and sales of industrial, business, or consumer machinery equipment, products, or by-products. Accessory uses may include offices, parking areas, warehousing, and outdoor storage. |
| | *Examples include electrical/plumbing fabrication, contractor services and sales, and industrial and heavy equipment sales (except farm machinery sales)* |
| **Manufacturing and Production** | The Manufacturing and Production Use Category includes use types involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, or to order for firms or consumers. This use category also includes establishments primarily engaged in the on-site production of goods by use of hand tools and small-scale equipment. Accessory uses may include retail or wholesale sales, offices, cafeterias, parking areas, employee recreational facilities, warehouses, storage yards, repair facilities, fueling facilities, and residential accommodations for security or caretakers. |

| | |
|---|---|
| | *Examples include advanced battery manufacturing, bakeries, bottling plants, foundries, metal fabrication and welding establishments, and quarrying or mining operations.* |
| **Telecommunications** | The Telecommunications Use Category is characterized by uses and facilities engaged in the provision of telecommunication signals and information. |
| | *Examples include telecommunications antennae, signal processing equipment, and antenna support structures.* |
| **Transportation** | The Transportation Use Category includes use types that provide for the landing and takeoff of airplanes and helicopters, and passenger terminals, stations, and similar facilities for surface transportation. Accessory uses may include freight handling areas, concessions and ticketing facilities, offices, parking areas, and maintenance and fueling facilities. |
| | *Examples include airports, helicopter landing facilities, passenger terminals and stations for ground transportation, and rail yards.* |
| **Utilities** | The Utilities Use Category is characterized by activities associated with the provision of a utility or infrastructure-related service such as electricity or natural gas distribution, potable water treatment, storage, or delivery, and wastewater collection, storage, or treatment. |
| | *Examples include solar farms, utility substations, and water treatment facilities.* |
| **Warehouse and Freight Movement** | The Warehouse and Freight Movement Use Category includes use types involving the storage or movement of goods. These uses generate little on-site sales activity with the customer present. Accessory uses include offices, truck parking, outdoor storage, and maintenance areas. |
| | *Examples include above ground liquid storage tanks, truck terminals, and warehouses.* |
| **Waste-Related Services** | The Waste-Related Use Category includes use types that receive solid or liquid waste for disposal on-site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Accessory uses may include offices, outdoor storage, recycling of materials, and repackaging and shipment of by-products. |
| | *Examples include LCID and sanitary landfills, recycling centers, and junkyards.* |
| **Wholesale Trade** | The Wholesale Trade Use Category includes uses primarily engaged in the sale of goods directly to retailers, institutions, contractors, businesses, or other wholesalers. |
| | *Examples include direct-to-restaurant food sales, and janitorial and cleaning supply sales.* |

**5.** Agricultural Uses. Table 7.5 Agricultural Use Categories describes the types of uses included in the agricultural use classification in Table XX, Principal Use Table, and gives examples of uses in this category.

| Table 7.5 Agricultural Use Categories | |
|---|---|
| *Use Category* | Description |
| | *Example Uses* |
| **Agricultural Related Uses** | The Agricultural Related Uses category encompasses a wide array of uses and events associated with agriculture and rural environments. Such events may take place indoors or outdoors. |
| | *Examples include rodeos, agricultural expositions, agricultural operations, farmers markets, rural wedding venues, livestock production operations, agricultural supply sales, and stables.* |

### 7.3.3 Principal Use Table

**A.** The principal uses allowed in each zoning district within the Town of Siler City are listed in Table 7.6 Permitted Principal Uses.

**B.** This table indicates whether a use is permitted by right (denoted by the letter "P"), permitted with a Special Use Permit (denoted by the letter "S"), permitted through a Conditional rezoning (denoted by the letter "C"), or prohibited within a zoning district (denoted by an empty cell).

**C.** Where specific requirements are associated with a use, the corresponding Section reference is noted in the table's Use Standards column. Unless otherwise stated, these standards apply to the use regardless of the underlying zoning district.

**Table 7.6 Permitted Principal Uses**

P = Permitted, subject to any applicable use standards
C = Permitted via conditional rezoning
S = Permitted, subject to the standards of Section 4.4 (Special Use Permits...), the standards of Chapter 6 and the use standards of this Chapter.

| Use Category | Use Type | A-R | R-20 | R-10 | R-6 | R-3 | R-MH | C-C | B-1 | G-C | H-C | O-I | L-I | H-I | PUD | Std |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Residential Uses** | | | | | | | | | | | | | | | | |
| **Household Living** | Manufactured Dwelling | S | | | S | | P | | | | | | | | C | 7.3.4.59 |
| | Manufactured Dwelling Park | | | | | | P | | | | | | | | C | 7.3.4.60 |
| | Single-Family Detached Dwelling | P | P | P | P | P | P | | | | | | | | C | 7.3.4.91 |
| | Single-Family Attached Dwelling – 3 or 4 units | | | P | P | P | | P | | | | P | | | C | 7.3.4.91 |
| | Duplex on individual lot | | | P | P | P | | P | | | | P | | | C | 7.3.4.91 |
| | Single-Family Attached Dwelling – 5 or more units | | | C | C | P | | P | | P | | P | | | C | 7.3.4.91 |
| | Multifamily Dwelling | | | C | C | P | | P | | P | | P | | | C | 7.3.4.65 |
| | Live/Work Dwelling | | | | | P | | P | | | | | | | C | 7.3.4.58 |
| | Pocket | | | P | P | P | | | | | | | | | C | 7.3.4.71 |

| Table 7.6 Permitted Principal Uses | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted, subject to any applicable use standards<br>C = Permitted via conditional rezoning<br>S = Permitted, subject to the standards of Section 4.4 (Special Use Permits...), the standards of Chapter 6 and the use standards of this Chapter. | | | | | | | | | | | | | | | | |
| **Use Category** | **Use Type** | **A-R** | **R-20** | **R-10** | **R-6** | **R-3** | **R-MH** | **C-C** | **B-1** | **G-C** | **H-C** | **O-I** | **L-I** | **H-I** | **PUD** | **Std** |
| | Neighborhood | | | | | | | | | | | | | | | |
| | Bungalow Court | | | P | P | P | | | | | | | | | C | 7.3.4.17 |
| | Mixed Occupancy | | | P | P | P | | P | | P | | P | | | C | |
| **Group Living** | Family Care Home | P | P | | PP | P | P | | | | | | | | C | 7.3.4.35 |
| | Group Home | S | S | S | S | S | | S | | S | | | | | C | 7.3.4.47 |
| | Halfway House | | | S | S | S | | S | | S | | | | | C | 7.3.4.48 |
| | Temporary Home for the Homeless | | | S | S | S | | S | | S | | | | | C | 7.3.4.97 |
| | Shelter House | | | S | S | S | | S | | S | | | | | C | 7.3.4.87 |
| **Life Care** | Assisted Living/ Nursing Facility | | | P | P | P | | S | | S | | P | | | | 7.3.4.14 |
| | Continuing Care Retirement Community (CCRC) | | | P | P | P | | S | | S | | P | | | | 7.3.4.25 |
| **Institutional Uses** | | | | | | | | | | | | | | | | |
| **Civic** | Amphitheater (Outdoor) | | | | | | | P | | P | P | | | | | 7.3.4.9 |
| | Community/Youth/Senior Center | | | P | P | P | | P | P | P | P | P | | | C | 7.3.4.24 |
| | Cultural Facility, Library, or Museum | | | P | P | P | | P | P | P | P | P | | | C | |
| | Fraternal Club or Lodge | | | | | | | P | P | P | P | P | | | C | 7.3.4.42 |
| **Day Care** | Adult Day Care Center | | | S | S | P | | P | P | P | P | P | | | C | 7.3.4.2 |
| | Child Day Care Center (primary use) | | | S | S | P | | P | P | P | P | P | | | C | 7.3.4.22 |
| **Education** | College or University | | | | | | | | | P | P | P | | | C | |
| | Dormitory, Private | | | | S | S | | | | | | P | | | C | 7.3.4.30 |
| | Fraternity or Sorority House | | | | S | S | | | | | | P | | | C | 7.3.4.43 |
| | School, Elementary | P | P | P | P | P | P | P | P | P | P | P | | | C | 7.3.4.84 |
| | School, High/Middle | P | P | P | P | P | P | P | P | P | P | P | | | C | 7.3.4.85 |
| | School, Vocational | | | | | | | P | P | P | P | P | P | P | C | 7.3.4.86 |
| **Health Care** | Drug/Alcohol Treatment | | | | | | | | | | | P | | | C | 7.3.4.31 |
| | Hospital | | | | | | | | | | | P | | | C | |
| | Laboratory and Laboratory Services | | | | | | | | P | P | P | P | | | C | |
| | Outpatient | | | | | | | | P | P | P | P | | | C | |

| Table 7.6 Permitted Principal Uses | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted, subject to any applicable use standards<br>C = Permitted via conditional rezoning<br>S = Permitted, subject to the standards of Section 4.4 (Special Use Permits...), the standards of Chapter 6 and the use standards of this Chapter. | | | | | | | | | | | | | | | | |
| **Use Category** | **Use Type** | **A-R** | **R-20** | **R-10** | **R-6** | **R-3** | **R-MH** | **C-C** | **B-1** | **G-C** | **H-C** | **O-I** | **L-I** | **H-I** | **PUD** | **Std** |
| | Treatment Facility | | | | | | | | | | | | | | | |
| | Urgent Care | | | | | | | P | P | P | P | P | | | C | |
| | Dental or Medical Office | | | | | | | P | P | P | P | P | | | C | |
| **Interment** | Cemetery, Columbarium, or Mausoleum | S | S | S | S | S | | P | P | P | P | S | | | C | 7.3.4.20 |
| **Open Space** | All | P | P | P | P | P | P | P | P | P | P | P | P | P | C | |
| **Government** | Fire/EMS Station | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.3.4.37 |
| | Government Office | | | | | | | P | P | P | P | P | P | P | C | |
| | National Guard Installation | | | | | | | | | S | S | S | | | C | |
| | Post Office | P | P | P | P | P | P | P | P | P | P | P | P | P | C | |
| | Police/Fire Training Facility | | | | | | | | P | P | P | P | P | P | C | |
| | Police Station | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.3.4.72 |
| | Prison/Correctional Facility | | | | | | | | | S | S | S | S | S | C | 7.3.4.73 |
| | Public Works Facility | | | | | | | | | P | P | P | P | P | C | |
| **Religious Institution** | All | P | P | P | P | P | P | P | P | P | P | P | P | P | C | |
| **Commercial Uses** | | | | | | | | | | | | | | | | |
| **Adult Uses** | All | | | | | | | | | S | S | | | | C | 7.3.4.3 |
| **Animal Care** | Animal Grooming | | | | | | | P | P | P | P | P | | | C | 7.3.4.10 |
| | Animal Shelter | S | | | | | | P | P | P | P | P | P | P | C | 7.3.4.12 |
| | Kennel Indoor or Small Outdoor | S | | | | | | | P | P | P | P | P | P | C | 7.3.4.55 |
| | Kennel, Large Outdoor | S | | | | | | | | P | P | | | | C | 7.3.4.54 |
| | Veterinary Clinic with outdoor kennel | | | | | | | | | P | P | | | | C | 7.3.4.107 |
| | Veterinary Clinic without outdoor kennel | | | | | | | P | P | P | P | | | | C | 7.3.4.107 |
| **Drinking Establishment** | Bar or Cocktail Lounge | | | | | | | P | P | P | P | | | | C | |
| | Bottle Shop | | | | | | | P | P | P | P | | | | C | |
| | Microbrewery or Micro distillery | | | | | | | P | P | P | P | | | | C | |
| | Nightclub or Private Club (Not Classified | S | | | | | | P | P | P | P | P | | | C | 7.4.3.66 |

| Table 7.6 Permitted Principal Uses | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted, subject to any applicable use standards<br>C = Permitted via conditional rezoning<br>S = Permitted, subject to the standards of Section 4.4 (Special Use Permits...), the standards of Chapter 6 and the use standards of this Chapter. | | | | | | | | | | | | | | | | |
| **Use Category** | **Use Type** | **A-R** | **R-20** | **R-10** | **R-6** | **R-3** | **R-MH** | **C-C** | **B-1** | **G-C** | **H-C** | **O-I** | **L-I** | **H-I** | **PUD** | **Std** |
| | as an Adult Use) | | | | | | | | | | | | | | | |
| **Eating Establishment** | Catering/Commissary Kitchen | | | | | | | P | P | P | P | | | | C | |
| | Coffee Shop | | | | | | | P | P | P | P | | | | C | |
| | Restaurant, Drive-Through/Drive Up Service | | | | | | | | P | P | P | | | | C | |
| | Restaurant, Indoor Seating | | | | | | | P | P | P | P | | | | C | |
| | Restaurant, Indoor or Outdoor Seating | | | | | | | P | P | P | P | | | | C | |
| | Restaurant, Walk-up Only | | | | | | | P | P | P | P | | | | C | |
| **Indoor Commercial Recreation** | Amusement Facility, Indoors | | | | | | | P | P | P | P | | | | C | |
| **Indoor Commercial Recreation** | Bowling Alley | | | | | | | P | P | P | P | | | | C | |
| | Community/Youth/Senior Center | P | P | P | P | P | P | P | P | P | P | P | | | C | |
| | Electronic Gaming Operation | | | | | | | | | S | S | | | | | 7.3.4.32 |
| | Event Venue | S | S | | | | | P | P | P | P | P | | | C | 7.3.4.34 |
| | Fitness Center | | | | | | | P | P | P | P | P | | | C | |
| | Nightclub or Dance Hall | | | | | | | P | P | P | P | | | | C | 7.3.4.66 |
| | Pool Hall | | | | | | | P | P | P | P | | | | C | |
| | Shooting Range (Indoor) | | | | | | | | | S | S | | | | | 7.3.4.88 |
| | Sports Facility, Indoor | | | | | | | | | P | P | | | | C | |
| | Theater (Film or live performance not classified as an Adult Use) | | | | | | | P | P | P | P | | | | C | |
| **Office** | Professional Office | | | | | | | P | P | P | P | P | | | C | |
| **Outdoor Commercial Recreation** | Amusement Facility, Outdoors | | | | | | | | | P | P | | | | C | |
| | Golf Course | P | P | P | P | P | | | P | P | P | P | | | C | 7.3.4.46 |
| | Golf Driving Range | P | P | P | P | P | | | P | P | P | P | | | C | 7.3.4.47 |
| | Racetrack | | | | | | | | | S | S | | | | C | 7.3.4.76 |
| | Shooting Range (Outdoor) | S | S | | | | | | | S | S | | | | C | 7.3.4.89 |

| Table 7.6 Permitted Principal Uses | | | | | | | | | | | | | | | | |
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| **Use Category** | **Use Type** | **A-R** | **R-20** | **R-10** | **R-6** | **R-3** | **R-MH** | **C-C** | **B-1** | **G-C** | **H-C** | **O-I** | **L-I** | **H-I** | **PUD** | **Std** |
| | Sports Facility, Outdoor | | | | | | | | | S | S | | | | C | 7.3.4.94 |
| | Theater, Drive-In | | | | | | | | | S | S | | | | C | 7.3.4.98 |
| | Vehicle Sports | S | S | | | | | | | S | S | | | | C | 7.3.4.104 |
| **Outdoor Public Recreation** | Arboretum or Formal Garden | P | P | P | P | P | | P | P | P | P | P | | | C | |
| | Community Garden | P | P | P | P | P | | P | P | P | P | P | | | C | |
| | Park | P | P | P | P | P | | P | P | P | P | P | | | C | 7.3.4.68 |
| | Public Recreation Facility | P | P | P | P | P | | P | P | P | P | P | | | C | 7.3.4.74 |
| **Outdoor Advertising** | Sign, Off-Premises | | | | | | | P | P | P | P | P | P | P | C | |
| **Parking** | Parking Lot | | | | | | | P | P | P | P | P | P | P | C | 7.3.4.69 |
| | Parking Structure | | | | | | | P | P | P | P | P | P | P | C | 7.3.4.70 |
| **Personal Service** | Computer Services | | | | | | | P | P | P | P | P | | | C | |
| | Equipment and Tool Rental | | | | | | | | | P | P | P | P | P | C | 7.3.4.33 |
| | Financial Institution With or Without Drive-Through Service | | | | | | | P | P | P | P | P | | | C | |
| | Funeral-Related Services | | | | | | | P | P | P | P | P | | | C | 7.3.4.45 |
| | Hair, Nails, and Skin-Related Services | | | | | | | P | P | P | P | P | | | C | |
| | Laundry/Dry Cleaning | | | | | | | P | P | P | P | P | P | P | C | 7.3.4.57 |
| | Packaging and Printing | | | | | | | P | P | P | P | P | P | P | C | |
| | Repair Shop | | | | | | | P | P | P | P | P | P | P | C | 7.3.4.80 |
| **Retail** | Convenience Store (With or Without Gasoline Sales or Restaurant) | | | | | | | P | P | P | P | P | | | C | 7.3.4.27 |
| | Convenience Store, Large (With Gasoline Sales or Restaurant) | | | | | | | | | | S | | | | C | 7.3.4.28 |
| | Flea Market (Indoor) | | | | | | | | | P | P | | | | C | |
| | Flea Market (Outdoor) | | | | | | | | | P | P | | | | C | 7.3.4.40 |
| | Firearm Sales and Service | | | | | | | | | S | S | | | | C | 7.3.4.39 |

| Table 7.6 Permitted Principal Uses | | | | | | | | | | | | | | | | |
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| **Use Category** | **Use Type** | **A-R** | **R-20** | **R-10** | **R-6** | **R-3** | **R-MH** | **C-C** | **B-1** | **G-C** | **H-C** | **O-I** | **L-I** | **H-I** | **PUD** | **Std** |
| | General Retail | | | | | | | P | P | P | P | P | | | C | |
| | Grocery Store | | | | | | | P | P | P | P | P | | | C | |
| | Large Format Retail | | | | | | | | | P | P | | | | C | |
| | Nursery/Lawn and Garden Center | | | | | | | | P | P | P | | | | C | |
| | Outdoor Sales, Excluding Nursery/Lawn and Garden Center | | | | | | | | | P | P | | P | P | C | |
| | Pharmacy | | | | | | | P | P | P | P | P | | | C | |
| | Retail, Bulky Item | | | | | | | | | P | P | | P | P | C | 7.3.4.81 |
| | Retail, Second-Hand | | | | | | | P | P | P | P | | | | C | |
| **Storage and Warehousing** | Outdoor Storage Yard | | | | | | | | | | | | P | P | C | 7.3.4.67 |
| | Warehouse - Self-Storage Facilities | | | | | | | | | P | P | | P | P | C | 7.3.4.109 |
| **Visitor Accom.** | Bed and Breakfast | S | S | S | S | S | | P | P | P | P | P | | | C | 7.3.4.15 |
| | Campground | S | S | | | | | | | P | P | | | | C | 7.3.4.18 |
| | Hotel/Motel | | | | | | | P | P | P | P | | | | C | |
| | Recreational Vehicle (RV) Park | S | S | | | | | | | P | P | | | | C | 7.3.4.77 |
| | Short Term Rental (reserved for future use) | | | | | | | | | | | | | | | |
| **Vehicle-Related** | Vehicle Repair and Servicing (Without Painting or Bodywork) | | | | | | | | | P | P | | | | C | 7.3.4.103 |
| | Vehicle Sales or Rentals | | | | | | | P | P | P | P | | | | C | 7.3.4.104 |
| | Vehicle Painting/Body Shop | | | | | | | | | P | P | | P | P | C | 7.3.4.102 |
| | Vehicle Parts and Accessory Sales | | | | | | | P | P | P | P | | P | P | C | |
| | Vehicle Towing and Storage Lot | | | | | | | | | S | S | | S | S | C | 7.3.4.106 |
| | Car Wash or Automobile Detailing | | | | | | | | P | P | P | | P | P | C | 7.3.4.19 |
| **Industrial Uses** | | | | | | | | | | | | | | | | |
| | Contractor Services and Sales without outdoor storage | | | | | | | | | P | P | | P | P | C | |

| Table 7.6 Permitted Principal Uses | | | | | | | | | | | | | | | | |
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| **Industrial Use Types** (see 7.3.4.52) | Contractor Services and Sales with outdoor storage | | | | | | | | | | | | P | P | C | 7.3.4.26 |
| | Electrical/Plumbing Fabrication | | | | | | | | | | | | P | P | C | |
| | Fuel Oil/Bottled Gas Distributor | | | | | | | | | | | | P | P | C | 7.3.4.44 |
| | Heavy Equipment Sales and Service (Excluding Farm Machinery Sales) | | | | | | | | | P | P | | P | P | C | 7.3.4.50 |
| | Data Center, Closed Loop | | | | | | | | | | | | C | P | C | 7.3.4.29 |
| | Data Center, Open Loop | | | | | | | | | | | | | C | C | 7.3.4.29 |
| **Manufacturing and Production** | Advanced Battery or Fuel Cell Manufacturing | | | | | | | | | | | | P | P | C | 7.3.4.4 |
| | Asphalt or Concrete Plant | | | | | | | | | | | | | S | C | 7.3.4.13 |
| | Bakery (large scale) | | | | | | | | | | | | P | P | C | |
| | Bottling Plant | | | | | | | | | | | | P | P | C | |
| | Chemical Manufacturing | | | | | | | | | | | | | S | C | 7.3.4.21 |
| | Firearms Manufacturing | | | | | | | | | | | | | S | C | 7.3.4.38 |
| | Foundry | | | | | | | | | | | | | S | C | 7.3.4.41 |
| | Manufacturing, Heavy (Not Otherwise Categorized) | | | | | | | | | | | | | P | C | 7.3.4.61 |
| | Manufacturing, Light (with or without accessory sales) | | | | | | | | | | | | P | P | C | 7.3.4.62 |
| | Meat Packing and Processing | | | | | | | | | | | | | S | C | 7.3.4.63 |
| | Metal Fabrication and Welding | | | | | | | | | | | | | P | C | 7.3.4.64 |
| | Quarrying or Mining | | | | | | | | | | | | | P | C | 7.3.4.75 |
| | Wood Fabrication | | | | | | | | | | | | P | P | C | |
| **Tele-comm** | Antenna Collocation, Major | P | P | P | P | P | P | P | P | P | P | P | P | P | C | |

| Table 7.6 Permitted Principal Uses | | | | | | | | | | | | | | | | | |
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| | Antenna Collocation, Minor | P | P | P | P | P | P | P | P | P | P | P | P | P | C | |
| | Broadcasting Studio | | | | | | | | | | | | | | | 7.3.4.16 |
| | Small Wireless Facility Collocation | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.3.4.92 |
| | Telecommunications Tower, Major | S | S | S | S | S | S | S | P | P | P | S | P | P | C | 7.3.4.96 |
| | Telecommunications Tower, Minor or Concealed | S | S | S | S | S | S | P | P | P | P | P | P | P | C | 7.3.4.96 |
| | Airfield/Heliport | S | S | | | | | | | | | | S | P | C | 7.3.4.7 |
| | Airport | | | | | | | | | | | | | S | C | 7.3.4.8 |
| | Bus Station | | | | | | | P | P | P | P | P | P | P | C | |
| | Rail Yard | | | | | | | | | | | | P | P | C | |
| | Transit Shelter (e.g., bus stop) | P | P | P | P | P | P | P | P | P | P | P | P | P | C | |
| **Utilities** | Solar Farm | S | S | S | S | S | S | | | P | P | | P | P | C | 7.3.4.93 |
| | Utility Substation | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.3.4.101 |
| | Water Storage Facility | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.3.4.110 |
| | Water Treatment Facility | | | | | | | | | | | | P | P | C | 7.3.4.111 |
| **Warehouse and Freight Movement** | Above Ground Liquid Storage Tanks | | | | | | | | | | | | P | P | C | 7.3.4.1 |
| | Truck Terminal | | | | | | | | | | | | P | P | C | 7.3.4.100 |
| | Warehouse, Distribution, Storage | | | | | | | | | P | P | | P | P | C | 7.3.4.108 |
| | | | | | | | | | | | | | | | | |
| **Waste-Related Services** | Landfill, LCID | S | S | | | | | | | | | | P | P | C | 7.3.4.52 |
| | Landfill, Sanitary | | | | | | | | | | | | | C | C | 7.3.4.56 |
| | Recycling Center, Processing | | | | | | | | | | | | | P | C | 7.3.4.79 |
| | Recycling Center, Convenience Stop | P | P | P | P | P | P | | P | P | P | P | P | P | C | 7.3.4.78 |
| | Salvage, Junkyard, or Automobile Graveyard | | | | | | | | | P | P | | P | P | C | 7.3.4.83 |
| | Transfer Station | | | | | | | | | | | | P | P | C | 7.3.4.99 |
| **Wholesale Trade** | All | | | | | | | | | P | P | | P | P | C | |

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| **Agricultural Uses** | | | | | | | | | | | | | | | | |
| **Agricultural Related Uses** (see 7.3.4.6) | Agricultural Events Facility | S | | | | | | | | P | P | | | | C | 7.3.4.5 |
| | Agricultural Production | P | | | | | | | | | | | | | C | |
| | Animal Husbandry | P | | | | | | | | | | | | | C | 7.3.4.11 |
| | Agricultural Supply Sales (Feed, Seed, Fertilizer) | P | | | | | | | P | P | P | | P | P | C | |
| | Commercial Stables (includes Boarding and/or Training) | P | S | | | | | | | P | P | | | | C | 7.3.4.23 |
| | Farm Machinery Sales | | | | | | | | | P | P | | P | P | C | 7.3.4.36 |
| | Stockyard/Livestock Sales | P | | | | | | | | | | | P | P | C | 7.3.4.95 |
| | Riding Academy | P | P | S | | | | | | P | P | | | | C | 7.3.4.82 |
| | Horticulture with or without outdoor sales | P | P | | | | | | | | | | | | C | 7.3.4.51 |

**D.** The principal uses allowed in each zoning district within the Town of Siler City are listed in Table 7.6 Permitted Principal Uses.

**E.** This table indicates whether a use is permitted by right (denoted by the letter "P"), permitted with a Special Use Permit (denoted by the letter "S"), permitted through a Conditional rezoning (denoted by the letter "C"), or prohibited within a zoning district (denoted by an empty cell).

**F.** Where specific requirements are associated with a use, the corresponding Section reference is noted in the table's Use Standards column. Unless otherwise stated, these standards apply to the use regardless of the underlying zoning district.

### 7.3.4 Standards Applicable to Particular Principal Uses

This Section includes standards which apply to the named principal use in addition to applicable standards of Chapter 6 [Development Standards Applicable to all Uses]. Additional standards applicable to Industrial use types are included under "Industrial Use Types."

**1. Above Ground Liquid Storage Tank.**

**a.** The minimum lot size for this use shall be one (1) acre in size.

**b.** All storage tanks and loading facilities shall be located at least twenty-five (25) feet from any side or rear property line.

**c.** All storage tanks and loading facilities shall be located a minimum of 100 feet from any adjacent

residential zoning district.

**d.** All facilities shall comply with the American Insurance Association's Flammable and Combustible Liquids Code, in addition to other relevant state and federal regulations.

**2. Adult Day Care Center.**

**a.** Adult Day Care Centers shall be certified by the North Carolina Department of Health and Human Services, and shall obtain any licenses and permits required by the Town of Siler City and Chatham County.

**b.** Adult Day Care Centers shall not serve any individual client for a continuous period of more than 24 hours.

**3. Adult Uses.**

The following standards are intended to prevent the concentration of adult uses and to separate these uses from residential neighborhoods, educational facilities and day care centers, religious institutions, parks, and public recreation facilities.

**a.** Any lot containing an adult use must be separated by a distance of at least 1,000 feet from any lot containing another adult use; any use within the residential use classification; any use within the education, day care, or religious institution use categories; and any park or public recreation facility use.

**b.** Any structure containing an adult use must be separated by a distance of at least 200 feet from any lot within a zoning district where such use is prohibited.

**c.** No more than one (1) adult use shall be located within the same structure or on the same lot.

**d.** An adult use lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent establishment of a residential dwelling, religious institution, education facility or day care center, public park, or residential zoning district with regard to the spacing requirements of Subsections a. and b. above.

**e.** Any adult uses made nonconforming by the adoption of this Ordinance shall be granted a two (2) year amortization period from the effective date of this Ordinance, at the end of which time said adult use must either come into compliance with the requirements of this Ordinance or be discontinued.

**f.** Neon or Flashing lights or fluttering devices designed and used to attract attention are not permitted.

**4. Advanced Battery or Fuel Cell Manufacturing.**

**a.** Advanced Battery or Fuel Cell Manufacturing facilities shall be located at least 500 feet from any residentially zoned property and at least 200 feet from any other property.

**b.** Advanced Battery or Fuel Cell Manufacturing facilities, including outdoor storage and process areas, shall be surrounded by fencing at least six (6) feet in height.

**c.** Advanced Battery or Fuel Cell Manufacturing facilities shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

**5. Agricultural Events Facility.**

**a.** Outdoor activity areas shall be set back a minimum of 50 feet from any adjacent residentially zoned property.

**b.** Agricultural events facilities shall be located on a site with direct access from a collector street or higher capacity road.

**c.** Outdoor activities shall be prohibited between midnight and 7 a.m.

**d.** All parking shall be screened from adjacent residentially zoned property by a Type II Bufferyard.

**e.** No agricultural events facility shall be located within 500 feet of another such facility.

6. **Agricultural Related Uses.**

   Any uses designated as Agricultural Related Uses in Table 7.6 Permitted Principal Uses, which are located in the Town of Siler City's extraterritorial jurisdiction, and which qualify as bona fide farms shall be regulated in accordance with the provisions of GS 160D-903.

7. **Airfield/Heliport.**
   - **a.** No activities or improvements incidental to an airfield/heliport shall be located closer than 100 feet from any lot line and shall be located at least 500 feet from any residentially zoned property.
   - **b.** Access to the airfield/heliport shall be controlled using gates, chains, or fences to prevent unauthorized access.
   - **c.** All unpaved areas shall be maintained in a manner that prevents dust from spreading onto adjoining properties.
   - **d.** Any airfield/heliport shall comply with all relevant Federal Aviation Administration (FAA) regulations.

8. **Airport.**
   - **a.** All activities and improvements incidental to an airport shall be located at least 200 feet from any residential uses.
   - **b.** Access to the airport shall be controlled using gates, chains, or fences to prevent unauthorized access.
   - **c.** All unpaved areas shall be maintained in a manner that prevents dust from spreading onto adjoining properties.
   - **d.** Any airport shall comply with all relevant Federal Aviation Administration (FAA) regulations.

9. **Amphitheater (Outdoor).**
   - **a.** Outdoor activity areas shall be set back a minimum of 100 feet from any adjacent residentially zoned property.
   - **b.** Outdoor activities shall be prohibited between midnight and 7 a.m.
   - **c.** All parking shall be screened from adjacent residentially zoned property by a Type II Bufferyard.

10. **Animal Grooming**.
    - **a.** Overnight boarding of animals shall be prohibited.
    - **b.** The animal grooming use, including boarding of animals before or after grooming, shall occur completely within an enclosed building.

11. **Animal Husbandry**.
    - **a.** A minimum lot size of 2 acres shall be required for the keeping of livestock.
    - **b.** Fencing of sufficient height to contain the livestock on the site shall be required.

12. **Animal Shelter.**
    - **a.** All activities associated with this use shall take place within enclosed and soundproofed structures unless the conditions of Subsections b. through c. are met.
    - **b.** All activities shall be at least 300 feet from any residentially zoned lot.
    - **c.** Any outdoor kennels or runs shall be enclosed by a fence of at least six (6) feet in height.

13. **Asphalt or Concrete Plant**.
    - **a.** All activities shall be located at least 500 feet from any residentially zoned lot.
    - **b.** All activities shall be located at least 200 feet from any non-residentially zoned lot.

**c.** A fence of at least six (6) feet in height shall be provided around the use.

**d.** Any access drives to the site shall be paved and shall be located no closer than fifteen (15) feet from any adjoining lot line .

**e.** Within one (1) year of cessation of the use, all equipment and stockpiles incidental to the use shall be dismantled and removed from the site at the expense of the landowner.

**14. Assisted Living/Nursing Facility.**

**a.** Common social and service areas shall be provided at a minimum rate of thirty (30) square feet per room or dwelling unit, in addition to any required open space.

**b.** All facilities shall be solely for the use of residents and their guests.

**c.** An administrative office for the facility shall be located on-site.

**d.** A Type II Bufferyard shall be installed along any lot line adjacent to residential zoning.

**e.** Assisted living facilities shall comply with the standards of Subsection 6.6.2 (Additional Standards Applicable to Multifamily Development).

**f.** Assisted Living Facilities must be accessed from a thoroughfare.

**15. Bed and Breakfast**.

**a.** The use shall be located in a structure that was originally constructed as a residential dwelling.

**b.** Any meals served on the premises shall be for guests of the facility.

**c.** Parking shall be located to the side or rear of the building.

**d.** A Type I Bufferyard shall be installed along any lot line adjacent to residential zoning.

**e.** Any signage for the use shall meet the standards of Section 6.1 (Sign Standards), and shall be non-illuminated.

**16. Broadcasting Studio.**

**a.** Any broadcasting towers associated with this use shall be set back from all lot lines a minimum distance equal to the height of the tower.

**b.** The use shall not include a helipad or other helicopter landing facility.

**17. Bungalow Court.**

**a.** Bungalow courts shall be limited to a maximum of eight (8) or fewer single-family detached dwellings.

**b.** All dwellings within the Bungalow court shall have access to a shared driveway within the center of the development comprised of concrete, brick, or pavers.

**c.** The shared driveway shall be on commonly owned land or shall be subject to a shared access easement granting access to all dwellings within the development.

**d.** A Type I Bufferyard shall be installed along any lot line adjacent to existing single-family detached dwellings.

**18. Campground.**

**a.** No campsite shall be located less than feet (50) feet from a residentially zoned property.

**b.** No campsite shall be used as a permanent place of residence or business.

**c.** Accessory uses may include management offices, recreational facilities, toilets, showers, laundry facilities, and other uses and structures customarily incidental to the operation of a campground.

**d.** All campsites shall be level and well-drained.

**e.** The maximum density of the campground shall be fifteen (15) campsites per acre.

**f.** In no case shall any campsite contain less than 1,500 square feet.

**g.** Campsites shall be developed to preserve the natural character of the site to the greatest

extent possible.

**h.** No campsite or other facility shall be less than twenty (20) feet from the perimeter of the lot the campground is on.

**i.** A Type III Bufferyard shall be installed adjacent to any residentially zoned property.

**j.** Any lighting installed on-site shall be located and shielded so as not to adversely affect adjacent properties.

**19. Car Wash and Automobile Detailing.**

**a.** No outdoor display or storage shall be permitted.

**b.** A Type II Bufferyard shall be installed adjacent to any residentially zoned property, in addition to an opaque fence a minimum of six (6) feet in height.

**c.** Designated areas shall be provided for washing, drying, and vacuuming of vehicles, where such services are offered. These areas shall not impede on-site vehicle circulation patterns.

**d.** Provisions shall be made for the appropriate disposal and/or recycling of waste products and runoff.

**20. Cemetery, Columbarium, or Mausoleum**.

New cemeteries, columbaria, mausoleums, and similar facilities, as well as the expansion of existing facilities, shall comply with the following standards:

**a.** These uses shall be located on a parcel of at least two (2) acres in size.

**b.** Interments shall take place at least twenty-five (25) feet from any lot line and comply with all applicable requirements of the North Carolina General Statutes.

**c.** Adequate vehicular stacking space for funeral processions shall be provided on-site.

**d.** The site shall have direct access to a collector street or thoroughfare.

**e.** A Type I Bufferyard shall be installed adjacent to any residentially zoned property.

**21. Chemical Manufacturing**

**a.** Chemical Manufacturing facilities shall be located at least 500 feet from any residentially zoned property and at least 200 feet from any other property.

**b.** Chemical Manufacturing facilities, including outdoor storage and process areas, shall be surrounded by fencing at least six (6) feet in height.

**c.** Chemical Manufacturing facilities shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

**22. Child Day Care Center**.

**a.** Child Day Care Centers shall be certified by the North Carolina Department of Health and Human Services, and shall obtain any licenses and permits required by the Town of Siler City and Chatham County.

**b.** The facility shall comply with the state regulations for minimum square footage per child for interior space and outdoor play area.

**c.** Outdoor play areas shall be enclosed by fencing at least four (4) feet in height.

**d.** A Type I Bufferyard shall be installed adjacent to any residentially zoned property.

**e.** In residential districts, day care centers shall not be operated between the hours of 7 p.m. and 6 a.m.

**23. Commercial Stables**

**a.** Commercial Stables shall be set back at least 50’ from residential properties.

**b.** Fencing of sufficient height to contain horses on the site shall be required around any pasture area or other outdoor area which horses may access.

**24. Community/Youth/Senior Center.**

**a.** A Type I Bufferyard shall be installed adjacent to any residentially zoned property.

**25. Continuing Care Retirement Community (CCRC).**

**a.** CCRC facilities may include any mixture of single-family attached and detached dwellings, duplex dwellings, townhomes, triplex or quadplex dwellings, multifamily dwellings, and assisted living facilities.

**b.** Any of the uses listed in Subsection a. within a CCRC shall comply with the standards applicable to those individual uses in this Chapter.

**c.** All facilities within the CCRC shall be solely for the use of residents and their guests.

**d.** An administrative office for the facility shall be located on-site.

**e.** A Type II Bufferyard shall be installed along any lot line adjacent to residentially zoned property.

**f.** The CCRC facilities shall comply with the Multifamily Site and Building Design Standards of Subsection 6.6.2 (Additional Standards for Multifamily Development). These design guidelines shall not apply to any buildings within the CCRC constructed under the North Carolina Residential Building Code.

**g.** Assisted Living Facilities must be accessed from a thoroughfare.

**26. Contractor Services and Sales with Outdoor Storage**.

**a.** A Type III Bufferyard and an opaque fence a minimum of six (6) feet in height shall be installed between any outdoor storage area and adjacent residentially zoned property.

**b.** Outdoor storage of equipment, materials, and vehicles shall be screened from view of all adjacent residential uses and rights-of-way. Equipment may exceed the height of the required fence, but shall be stored in a manner that limits its visibility to the maximum extent practicable.

**c.** An opaque fence a minimum of six (6) feet in height shall be installed around the perimeter of any outdoor storage area.

**d.** Outdoor storage areas shall be maintained in a manner to limit dust from drifting onto adjacent properties.

**27. Convenience Store (With Gasoline Sales or Restaurant).**

**a.** Convenience stores shall be limited to 4,000 square feet of gross floor area.

**b.** No outdoor storage shall be permitted.

**28. Convenience Store, Large (With Gasoline Sales and/or Restaurant**).

**a.** Large convenience stores are facilities over 4,000 square feet of gross floor area.

**b.** No outdoor storage shall be permitted.

**29. Data Center, Closed Loop & Open Loop**

**a.** Setbacks

1. Except for off-street parking spaces, vehicular accessways, and underground utilities, all structures and development associated with the data center operation shall maintain a minimum setback of at least 100 feet from any lot line.
2. Principal buildings associated with a data center operation shall be located no less than 500 linear feet from any lot line shared with a lot in a residential zoning district. In no instance shall this minimum setback requirement be reduced as part of a conditional rezoning or planned development district approval.

**b.** Screening Requirements

1. Data Centers shall comply with all applicable standards set forth in Section 6.2.6, Bufferyard Requirements, except that such data centers shall maintain a Type III Bufferyard supplemented with a fully opaque fence, wall, or berm of at least six feet in height along all lot lines abutting or adjacent to a residential zoning district. In no instance shall this requirement be reduced as part of a conditional or planned development district approval.

**c.** Noise Levels

1. The table below establishes the maximum permissible noise levels for data centers. Measurements shall be taken at the boundary line of the lot where the data center use is located, and as indicated, the maximum permissible noise levels shall vary according to the zoning of the lot adjacent to the lot on which the data center use is located.

| Adjacent Property Zoning | 7am – 10pm | | 10pm – 7am | |
|---|---|---|---|---|
| | dBA | dBC | dBA | dBC |
| Residential | 50dBA | 65dBC | 45dBA | 55dBC |
| Commercial/Industrial | 65dBA | 70dBC | 55dBA | 65dBC |
| At no time may generated dBC levels exceed generated dBA levels by more than 15dB | | | | |

2. Noise resulting from the following activities shall be exempted from the requirements of this section:
   a) Emergency work to restore property to a safe condition, or to protect persons or property from danger or potential danger, or to restore utility service to the property.
   b) Operation of emergency vehicles, warning devices or similar equipment in emergency circumstances;
   c) Operation of emergency equipment such as electrical generators, water pumps or similar devices during times of utility service outage or other emergency need;
   d) Testing and maintenance of emergency equipment when conducted on weekdays between the hours of 9:00 am and 6:30 pm.

**d.** On-site power generation devices, whether permanent or temporary, shall comply with the following standards:

1. Such devices, including fuel storage areas, shall be fully enclosed by a building or masonry wall exceeding the height of the tallest portion of the device being screened, and shall be considered principal structures for the purpose of determining minimum required setback from all lot lines;
2. Such devices, including associated fuel storage, shall comply with all applicable Fire Codes and National Fire Protection Association (NFPA) standards; and
3. All required State and federal permits for such devices shall be secured prior to operation.
4. In no instance shall a data center operation include a nuclear reactor, though nothing shall limit the use of electricity generated from a lawfully established off-site nuclear reactor operated by a public or private utility.
5. On-site power generation devices shall meet noise standards listed in subsection c above.
6. Utilization of electricity generated from a renewable energy source, such as wind or solar, is strongly encouraged.

**e.** Prior to approval of a Zoning Permit application, the applicant shall provide written

verification signed by the applicable electrical service provider stating the following:

1. Adequate capacity is available to ensure there is or will be adequate electrical capacity available to serve the proposed use at peak operational levels while also serving the needs of other electricity users in the service area;
2. Existing utility supply equipment and related electrical infrastructure are sufficiently sized and can safely accommodate the proposed use; and
3. The use will not cause electrical interference or fluctuations in line voltage on or off the premises.

**f.** Prior to approval of a Zoning Permit application, the applicant shall provide written verification signed by the potable water provider serving the site stating the following:

1. Adequate capacity is available from existing water sources to ensure there is adequate potable water capacity available to serve the proposed use at peak operational levels while also serving the needs of other users in the service area;
2. Existing potable water supply equipment and related infrastructure are sufficiently sized and can safely accommodate the proposed use; and
3. The use will not cause a loss in water pressure necessary to maintain functional fire protection off the premises.

**30. Dormitory, Private.**

**a.** A dormitory shall comply with the standards of Subsection 6.6.2 (Additional Standards Applicable to Multifamily Development.

**b.** A dormitory shall be located within half a mile of the college or university it serves.

**31. Drug/Alcohol Treatment**.

**a.** Any drug/alcohol treatment use shall be located at least 500 feet from any other such facility, and;

**b.** Any drug/alcohol treatment use shall be located at least 500 feet from any school, child day care, or religious institution that includes a child day care or school use.

**32. Electronic Gaming Operation.**

**a.** Any electronic gaming operation shall be located at least 500 feet from any place of worship, public or private school, public park, licensed child day care facility, residential use, or other existing electronic gaming operation, measured as a straight line from the nearest point of the building containing the electronic gaming operation to the nearest point of any building containing the aforementioned uses.

**b.** An electronic gaming operation shall not be located in the same building or on the same property as any place of worship, public or private school, licensed child day care facility, or residential use.

**c.** Such uses shall not operate between the hours of 10:00 p.m. and 9:00 a.m. Monday through Saturday and shall not operate between the hours of 1:00 p.m. and 9:00 p.m. on Sundays.

**d.** Neon or Flashing lights or fluttering devices designed and used to attract attention shall not be permitted.

**e.** No more than thirty (30) terminals/computers/gaming machines shall be allowed within an individual electronic gaming operation.

**f.** All electronic gaming operations that were established prior to the adoption of this Ordinance shall be deemed legal nonconforming uses. If additional gaming terminals are proposed, then the establishment shall be brought into compliance with the provisions of this Subsection.

**g.** Enforcement:

**1.** Any violation of the conditions of this Subsection shall be punishable by a civil penalty of up to one thousand dollars ($1,000.00) for the first violation and five thousand dollars ($5,000.00) for each subsequent violation.

**2.** Each successive day a particular violation occurs shall be considered a unique violation

incident.

3. When more than three (3) violation incidents occur in any calendar year the use shall be terminated and shall be prohibited anywhere on the property for a period of one (1) year from the date of closure.
4. Closure shall be enforceable by the Town of Siler City Police Department.

**33. Equipment and Tool Rental.**

**a.** No heavy equipment shall be stored within a required setback or Bufferyard.
**b.** No heavy equipment shall be displayed on top of a building.

**34. Event Venue.**

**a.** Outdoor activity areas shall be set back a minimum of 50 feet from any adjacent residentially zoned property.
**b.** Outdoor activities shall be prohibited between midnight and 7 a.m.
**c.** All parking shall be screened from adjacent residentially zoned property by a Type II Bufferyard.
**d.** No event venue shall be located within 500 feet of another event venue.
**e.** Any signage shall meet the standards of Section 6.1 (Sign Standards), and shall be non-illuminated.

**35. Family Care Home.**

**a.** Family Care Homes shall comply with the standards of Section 160D-907 of the North Carolina General Statutes.
**b.** A family care home shall not be located within 2,500 feet of another family care home, group care home, or other residential treatment facility.
**c.** The family care home use must occur within a single-family detached residential dwelling.

**36. Farm Machinery Sales.**

**a.** All unpaved areas on the site shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.
**b.** No farm machinery or other items shall be displayed on the top of a building or used as signage.
**c.** Repair and service activities are allowed accessory to the farm machinery sales use, provided all repair-related activities occur within an enclosed structure.
**d.** Junkyards, farm machinery/equipment graveyards, or the outdoor storage of materials for resale are prohibited.

**37. Fire/EMS Station.**

**a.** The use shall have direct access to a collector street or thoroughfare.
**b.** The use shall be set back a minimum of 50 feet from adjacent residentially zoned property.
**c.** A Type II Bufferyard shall be installed between the use and any adjacent residentially zoned property.

**38. Firearms Manufacturing.**

**a.** Manufacture of ammunition shall be located at least 500 feet from any residentially zoned property and at least 200 feet from any other property.
**b.** A firearms manufacturing facility shall be surrounded by fencing at least six (6) feet in height.

**39. Firearm Sales and Service**.

**a.** Firearm Sales and Service uses may include testing facilities for firearms, provided the facilities

are constructed in accordance with all applicable laws and regulations, and the facilities are upfitted with materials that prevent any noise or disturbance to the occupants of adjoining properties.

**b.** Outdoor firing ranges associated with the sales and service of firearms are prohibited.

**40. Flea Market, Outdoor.**

**a.** A Type III Bufferyard shall be installed between the use and any adjacent residentially zoned property.

**b.** The sale of hazardous, toxic, explosive, or illegal substances or materials on-site shall be prohibited.

**c.** No activity shall take place on-site between the hours of 10 p.m. and 8 a.m.

**d.** Outdoor flea markets shall be subject to the requirements of Chapter 66, Article 32 of the North Carolina General Statutes.

**e.** Open air flea market activities, including any vendor stalls or storage of goods, shall:

**1.** be located a minimum of ten feet (10') from any driveway, fire hydrant, utility box/vault, handicap ramp, or building entrance/exit;

**2.** not obstruct or encroach onto any public street, sidewalk, handicap accessibility area, or fire lane;

**3.** not obstruct any intersection sight distance triangle;

**4.** not obstruct any parking lot drive aisle, handicap accessibility area, pedestrian path, or fire lane;

**5.** Outdoor flea market operators shall be responsible for ensuring that the site is restored to a neat condition at the end of the business day. Any waste generated during the course of the day shall be disposed of properly.

**41. Foundry.**

**a.** Any foundry shall be located at least 500 feet from any residentially zoned property and at least 200 feet from any other lot line.

**b.** A foundry shall be surrounded by fencing at least six (6) feet in height.

**42. Fraternal Club or Lodge.**

**a.** The minimum side and rear setbacks for this use shall be 50 feet, unless a larger setback is required by the underlying zoning district.

**b.** A Type II Bufferyard shall be installed between the use and any adjacent residentially zoned property.

**c.** Outdoor activity areas shall be set back a minimum of 50 feet from any adjacent residentially zoned property.

**43. Fraternity or Sorority House.**

**a.** A fraternity or sorority house shall comply with the standards of Subsection 6.6.2 (Additional Standards Applicable to Multifamily Development)

**b.** The minimum side and rear setbacks for this use shall be 50 feet, unless a larger setback is required by the underlying zoning district.

**c.** Outdoor activity areas shall be set back a minimum of 50 feet from any adjacent residentially zoned property.

**d.** A Type I Bufferyard shall be installed between any outdoor activity areas and adjacent residentially zoned property.

**e.** Public address systems shall not be permitted, except within buildings.

**44. Fuel Oil/Bottled Gas Distributor**.

Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

**45. Funeral-Related Services.**

**a.** Crematories shall not be located within a residential zoning district.

**b.** Outdoor storage shall be prohibited.

**46. Golf Course.**

A minimum distance of at least fifty (50) feet shall be maintained between any tee, green, or fairway and any residentially zoned property.

**47. Golf Driving Range.**

**a.** Driving ranges shall incorporate fencing, netting, or other measures around the perimeter of the activity area to ensure balls do not leave the area and endanger off-site areas.

**b.** The perimeter of the driving range fencing or netting shall be set back at least one hundred (100) feet from any residentially zoned property.

**48. Group Home.**

**a.** A group home shall be licensed and/or sponsored by the appropriate state or local agency.

**b.** A lot containing a group home shall not be located within 2,500 feet of another lot containing another group home, family care home, or other residential treatment facility.

**c.** The number of occupants in a group home shall be limited to the maximum number that may be accommodated by state regulations, but in no instance shall exceed fifteen (15) persons.

**d.** A Type I Bufferyard shall be installed along all lot lines shared with residential zoning.

**49. Halfway House.**

**a.** A halfway house shall be licensed and/or sponsored by the appropriate state or local agency.

**b.** A lot containing a halfway house shall not be located within 2,500 feet of another lot containing another halfway house, group home, family care home, or other residential treatment facility.

**c.** The number of occupants in a halfway house shall be limited to the maximum number that may be accommodated by state regulations, but in no instance shall the number of residents exceed thirty (30) persons.

**d.** A Type I Bufferyard shall be installed along all lot lines shared with residential zoning.

**50. Heavy Equipment Sales and Service.**

**a.** All outdoor storage of materials and machinery service areas shall be screened from view of adjacent rights-of-way and residentially zoned property according to the requirements of Subsection 6.2.15 (Outdoor Storage Area Screening).

**b.** All unpaved storage areas shall be maintained in a manner that prevents dust from adversely impacting adjacent properties.

**51. Horticulture.**

Sale of produce grown on-site or on another lot that is part of the same agricultural operation shall be permitted, provided such sale takes place outside the right-of-way.

**52. Industrial Use Types**

The following standards apply to all industrial use types. These standards apply in addition to the standards for specific uses.

**a.** Smoke.

**1.** For the purpose of determining the density of equivalent opacity of smoke, the Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines Information circular 8333, May 1967, shall be used. The Ringlemann number referred to in this Section refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed. For example, a reading of Ringlemann No. 1 indicates a 20 percent density of the smoke observed.

**2.** All measurements shall be taken at the point of emission of the smoke.

**3.** In the C-C, H-C, O-I, B-1 and all PUD districts, no classification use may emit from a vent, stack, chimney, or combustion process any smoke that is visible to the naked eye.

**4.** In the H-I district, no 3.0 classification use may emit from a vent, stack, chimney, or combustion process any smoke that exceeds a density or equivalent capacity of Ringlemann No. 1 except that an emission that does not exceed a density or equivalent capacity of Ringlemann No. 2 is permissible for a duration of not more than four minutes during any eight hour period.

**b.** Noise.

**1.** No 3.0 classification use in any permissible business district may generate noise that tends to have an annoying or disruptive effect upon uses located outside the immediate space occupied by the 3.0 use if that use is one of several located on a lot, or (ii) uses located on adjacent lots.

**2.** Except as provided in Subsections 6. and 7. below the table set forth in this Subsection establishes the maximum permissible noise levels for classification uses in the H-I and L-I districts. Measurements shall be taken at the boundary line of the lot where the classification use is located, and as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the 3.0 classification use is located.

**3.** A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this Section. And accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.

**4.** The standards set forth in this Section are expressed in terms of the Equivalent Sound Level (Leq), which must be calculated by taking 100 instantaneous A- weighted sounds levels at 10-second intervals.

**5.** Table of Permitted Noise Levels

| Zoning | Res. & PUD 7am – ~~7pm~~ **10pm** | Res. & PUD **10pm** ~~7pm~~ – 7am | Commercial | L-I | H-I |
|---|---|---|---|---|---|
| L-I | 50 | 45 | 55 | 60 | 65 |

| | | | | | |
|---|---|---|---|---|---|
| H-I | ~~50~~ **65** | ~~45~~ **60** | ~~60~~ **65** | 65 | 70 |

**6.** Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB(a) in excess of the figures listed in this Section, except that this higher level of permissible noise shall not apply from 10 p.m. to 7 a.m. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.

**7.** Noises resulting from the following activities shall be exempted from the requirements of this section:

a. Emergency work to restore property to a safe condition, or to protect persons or property from danger or potential danger, or to restore utility service.

b. Operation of emergency vehicles, warning devices, or similar equipment in emergency circumstances;

c. Operation of emergency equipment such as electrical generators, water pumps, or similar devices during times of utility service outage or other emergency need;

d. Testing and maintenance of emergency equipment when conducted on weekdays between the hours of 10:00 am and 6:30 pm.

**c.** Odor.

**1.** For purposes of this Section, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the olfactory systems of a panel of healthy observers.

**2.** No 3.0 classification use in any district may generate any odor that reaches the odor threshold, measured at:

**3.** The outside boundary of the immediate space occupied by the enterprise generating the odor.

**4.** The lot line if the enterprise generating the odor is the only enterprise located on a lot.

**d.** Air Pollution.

**1.** Any 3.0 classification use that emits any "air contaminant" as defined in G.S. 143-215.107 as amended, shall comply with applicable state standards concerning air pollution, as set forth in G.S. 143-211.

**2.** No zoning permit for any use which emits “air contaminant” may be issued until the North Carolina Department of Environmental Quality has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

**53.Inert Debris Beneficial Fill.**

**a.** Beneficial fill operations that disturb less than one (1) contiguous acre of land shall not require zoning permit approval.

**b.** Beneficial fill operations which disturb one (1) contiguous acre or more of land shall require site plan and zoning permit approval.

**c.** Beneficial fill operations shall comply with the following standards:

**3.** Chapter 11 (Water Management);

4. Setbacks from Streams Outside Designated Floodplains;
5. Natural Drainage System Utilized to Extent Feasible;
4. Developments Must Drain Properly;
5. Sedimentation and Erosion Control;
6. North Carolina Sedimentation Pollution Control Act of 1973;
7. North Carolina Administrative Code - Chapter 4 – Sedimentation Control; and
8. North Carolina Erosion and Sediment Control Planning and Design Manual.

**d.** Violations of the Sedimentation Pollution Control Act of 1973, North Carolina Administrative Code Chapter 4 – Sedimentation Control, and North Carolina Erosion and Sediment Control Planning and Design Manual shall be enforceable by the State of North Carolina.

**54. Kennel, Large Outdoor**.

**a.** All activities associated with this use shall take place within enclosed and soundproofed structures unless the conditions of Subsections b. through d. are met.

**b.** All activities shall be at least 500 feet from any residentially zoned lot.

**c.** Any outdoor kennels or runs shall be enclosed by a fence of at least six (6) feet in height.

**d.** Type III Bufferyards shall be installed along adjoining residentially zoned properties.

**55. Kennel Indoor or Small Outdoor.**

**a.** All activities associated with this use shall take place within enclosed and soundproofed structures unless the conditions of Subsections b. through d. are met.

**b.** All activities shall be at least 100 feet from any residentially zoned lot.

**c.** Any outdoor kennels or runs shall be enclosed by a fence of at least six (6) feet in height.

**d.** Type II Bufferyards shall be installed along adjoining residentially zoned properties.

**56. Landfill, Sanitary.**

**a.** Sanitary landfills shall only be approved through the Conditional Zoning process. The landfill application shall include 10 complete copies of the application, which shall contain the following information:

1. A description of the geographic area to be served by the proposed landfill.
2. The expected daily volume of waste expected at the proposed landfill and the estimated useful life of the proposed landfill.
3. A site plan for the facility shall contain the following:
   - **i.** Size, dimensions, type, and location of fill area, roads, access points, structures, property lines, utilities, lighting, setbacks, and bufferyards.
   - **ii.** Buffering and screening, including plant materials, dimensions, installation schedules, and other relevant specifications.
   - **iii.** Elevation contours in five-foot intervals.
   - **iv.** The original elevation of the site, any proposed excavation, and the final proposed elevation of the site.
   - **v.** Depth of holes (cells) and proximity to water table.
   - **vi.** Total impervious surface coverage both existing (pre-development) and as proposed.
   - **vii.** The number, location, and depth of all cells/ fill areas.
   - **viii.** The proximity of all cells to the water table.
   - **ix.** The site plan shall contain separate sheets for any grading, stormwater, and erosion control plans.
   - **x.** Information on any wetlands which exist on site.
4. A visual impact analysis which shall include:
   - **i.** Side elevation illustrations of the landfill including surrounding trees and development at the point of completion.

**ii.** Views from public roads, private roads, residences, and other buildings illustrated through topographic sections of the affected areas and through photographs. These illustrations should show any plantings or other features proposed to reduce and/or eliminate the visual impacts of the site.

**5.** The following information should be provided for the subject property as well as for the area within two thousand (2,000) feet of the subject property:

**i.** Surveys of the existing and proposed population, existing and use and zoning patterns, physical geography, the character of the surrounding area, and the location of all water wells.

**ii.** Aerial photography showing existing conditions.

**iii.** An environmental impact study.

**iv.** Information regarding the hydrology, geology, soil, water table, streams, rivers, and surface water flow surveys of the area.

**v.** Nearest watershed boundary.

**vi.** Floodplain and floodway boundaries including base flood elevations.

**vii.** Location of the nearest public water and sewer lines.

**viii.** A written report from a State of North Carolina certified appraiser indicating that there is expected to be no significant, detrimental effect on property values in the area caused by the development of the proposed landfill. The appraiser shall possess expertise in the field of property valuation.

**b.** The following additional information shall also be required:

1. A vector control plan.
2. The quantity of waste estimated to be generated, including a description of the volume and characteristics of the waste (the type, source, and quantity of waste to be accepted).
3. Information on the history and record of the applicant including the location and type of any other existing and proposed landfill facilities.
4. A traffic impact analysis providing:
   - **i.** The expected number of trucks entering and exiting the landfill on a daily basis.
   - **ii.** The expected type of vehicles, including size.
   - **iii.** The Impact of heavy trucks on surrounding traffic patterns.
   - **iv.** A description of the route(s) within the Town and/or its extraterritorial jurisdiction which vehicles are expected to use to access the proposed landfill.
   - **v.** A demonstration of the adequacy of existing routes and/or requirements for new routes.
   - **vi.** A description of efforts proposed to reduce mud, dirt, debris, etc. on adjoining roadways.
   - **vii.** The projected use of the property after closure of the landfill, including a site plan showing final proposed topography, landscaping, ground cover, drainage, and structures.
   - **viii.** Hours of operation

**c.** Landfill access shall be provided from a publicly maintained road. All access roads shall be paved and meet the paving standards of this Ordinance. Grass drainage swales or curb and gutter shall be installed along all access roads.

**d.** No landfill area shall be located closer than 100 feet from any lot line and shall be located at least 300 feet from any residentially zoned property.

**e.** Sanitary landfills shall not be established where water or sewer service is available.

**f.** Access to the landfill shall be controlled using gates, chains, or fences to prevent unregulated dumping.

**g.** All unpaved areas shall be maintained in a manner that prevents dust from spreading onto adjoining properties.

**h.** No filling shall take place within the 100-year floodplain or within any utility easements.

**i.** A Type III Bufferyard shall be installed around the perimeter of the site.

**j.** Any sanitary landfill shall comply with all other relevant local, state, and federal regulations.

**k.** The permit holder and/or licensee of the sanitary landfill shall permit representatives of the Planning Department, Building Inspections Department, or any other Town, County, State, or Federal departments or agencies to inspect the premises of the landfill at all reasonable times for the purpose of ensuring compliance with applicable standards.

**l.** A firm, corporation, company, etc. who operates or causes to be operated a landfill without valid approval shall be subject to a suit for injunctive relief.

**57. Laundry/Dry Cleaning**.

**a.** No coal-burning or smoke-producing equipment or processes shall be used.

**b.** No petroleum-based chemicals in excess of 500 gallons shall be stored in above-ground tanks on-site.

**58. Live/Work Dwelling.**

**a.** A live/work dwelling shall comply with the non-residential design standards of Subsection 6.6.1 (Standards applicable to all Nonresidential Development).

**b.** The non-residential portion of a live/work dwelling shall be limited to an office, personal service, retail, or restaurant use type.

**c.** The non-residential portion of the building shall be located on the street-level floor of the building, and shall occupy 50% or less of the total unit's square footage.

**d.** The entrance to the non-residential portion of the building shall be oriented to the street which the building fronts on.

**e.** Drive-through facilities are prohibited.

**f.** The maximum size of a live-work unit shall be 3,500 square feet.

**59. Manufactured Dwelling**.

**a.** A manufactured dwelling shall comply with Section 160D-910 of the North Carolina General Statutes and any standards established by the North Carolina Department of Insurance.

**b.** A manufactured dwelling shall be located on its own lot unless it is located within a manufactured home park.

**c.** A manufactured dwelling shall only be used for single-family occupancy, and shall not be utilized for a non-residential use, except as authorized by Section 7.4.3.M (Home Occupation).

**d.** The towing apparatus, wheels, axles, and transporting lights shall be removed prior to occupancy.

**e.** The dwelling shall be properly anchored.

**f.** The dwelling shall include a continuous, permanent masonry foundation or masonry curtain wall of solid brick or brick veneer.

**g.** The dwelling shall include stairs or ramps and entrance platforms or porches with a minimum horizontal dimension of four (4) feet by four (4) feet at every entrance to the dwelling, constructed in accordance with the North Carolina Building Code.

**h.** The structure shall demonstrate a roof pitch with a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run.

**i.** The roof shall have an eave projection of no less than ten (10) inches.

**j.** The dwelling shall be clad in siding of vinyl, aluminum lap siding, cedar or other wood, stucco, brick, or stone.

**k.** Only Class A manufactured dwellings shall be permitted on individual lots.

**60. Manufactured Dwelling Park.**

**a.** Individual manufactured dwellings within a manufactured dwelling park shall comply with the standards of Section 7.3.4.59 (Manufactured Dwelling) above, except for Subsections b., f, and j when located on land leased to the homeowner

**b.** A manufactured dwelling park shall be located on a site of at least five (5) acres.

**c.** One (1) manufactured dwelling may be used as an administrative office for the park.

**d.** A manufactured dwelling park shall include sites for at least five (5) individual homes.

**e.** Manufactured dwelling parks shall have a maximum density of nine (9) units per acre.

**f.** A minimum of one (1) parking space shall be provided near each dwelling within the park, and shall not be located within any right-of-way or vehicular accessway.

**g.** All home spaces within the park shall be served by municipal or community water and sewer service. The Chatham County Health Department shall approve the design of the water and sewer system which serves the park.

**h.** Each manufactured dwelling shall be located at least twenty (20) feet from any other dwelling within the development, and at least twenty (20) feet from any adjacent property line or right-of-way.

**i.** No dwelling within the park shall have direct vehicular access to a public street external to the park.

**j.** No more than one (1) manufactured dwelling shall be allowed per manufactured dwelling space.

**k.** Each manufactured dwelling space shall have a permanent site number that is clearly visible from the street. This number shall also be located on the power panel box serving the home.

**l.** Each manufactured dwelling space shall be a minimum of 6,000 square feet in size.

**m.** Each manufactured dwelling space shall have proper drainage to prevent accumulation of water.

**n.** Internal streets within dedicated rights-of-way within the park shall be constructed of an all-weather paved surface. streets within the park shall have a minimum width of twenty (20) feet.

**o.** The owner or operator of the manufactured dwelling park shall be responsible for the continued maintenance of any non-municipal infrastructure within the park.

**p.** A Type I Bufferyard shall be installed around the perimeter of the park.

**q.** Each manufactured dwelling and accessory building within the park shall be set back at least:

- **i.** ; Twenty (20) feet from any other manufactured home within the community;
- **ii.** Twenty-five (25) feet from any other building (office, maintenance building, post office, community center) within the rental community, excluding storage buildings less than 12'x12' in size;
- **iii.** Ten (10) feet from any side and rear property line within the rental community;
- **iv.** Twenty (20) feet from streets within the rental community

**r.** The following additional setbacks shall apply:

- **i.** The building setbacks as set forth in Table 5.2 for street/front, side, and rear property lines shall be required along the perimeter of the rental community.
- **ii.** Uncovered decks may project eight (8) feet into the street setback and five (5) feet into the side and rear setback.
- **iii.** Detached accessory buildings shall be at least five (5) feet from side and rear property lines within the rental community.

**s.** There shall be an open area within the rental community provided by the owner and designated for recreational purposes as described by Section 6.4 (Open Space Standards).

**t.** Manufactured dwelling parks shall be served by public water and sewer.

**u.** The manufactured dwelling park shall include adequate garbage disposal facilities. Each dwelling shall have a sufficient number of containers with adequate capacity that can be tightly sealed. It shall be the responsibility of the operator of the park to see that municipal or private solid waste

disposal service is provided to the residents of the rental community on a weekly basis.

**v.** The following regulations shall apply to the grounds and buildings within the park:

- **i.** The grounds of the manufactured dwelling park shall be free of debris, trash, and litter.
- **ii.** Grounds, buildings, and storage areas within the community shall be maintained to prevent the infestation of rodents, flies, mosquitoes, and other pests.
- **iii.** Grounds within the rental community shall be maintained to prevent the growth of ragweed, poison ivy, poison oak, and other weeds.
- **iv.** All grounds within the rental community shall have proper drainage to prevent the accumulation of water.

**w.** All recreational areas within the park shall be maintained in a safe and sanitary manner by the operator of the park.

**x.** The park shall include mail service facilities for the residents of the community. Such facilities may take the form of individual mailboxes located at each manufactured dwelling space, or common mailbox areas.

**y.** The Zoning Enforcement Officer shall have the right to make inspections of the rental community to determine that the requirements of this Ordinance are met. It shall be the responsibility of the operator/manager of the manufactured home park rental community to see that the requirements of this Ordinance are met.

**z.** Existing Manufactured Home Rental Communities

- **i.** Manufactured home park rental communities existing at the time of adoption of this Ordinance shall not be allowed to expand or increase unless such expansion meets the requirements set forth in this Ordinance.
- **ii.** Additionally existing manufactured homes as defined in Chapter 10 (Definitions), when removed from their existing location, shall not be allowed to be replaced unless the minimum lot size requirement (six thousand (6,000) square feet) is observed or the overall density of the gross land area (useable area excluding road right-of-way) is six thousand (6,000) square feet per dwelling unit.

**61. Manufacturing, Heavy.**

**a.** Manufacture of explosives shall be located at least 500 feet from any residentially zoned property and at least 200 feet from any other property line.

**b.** Storage tanks and loading facilities associated with petroleum products shall be located at least 500 feet from any residentially zoned property.

**c.** Except as described in Subsections a. and b. above, heavy manufacturing activities, structures, buildings, and outdoor use areas shall be located a minimum of 100 feet from any residentially zoned property.

**d.** A heavy manufacturing facility, including outdoor storage and process areas, shall be surrounded by fencing at least six (6) feet in height.

**e.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

**62. Manufacturing, Light.**

**a.** All activities, structures, buildings, and outdoor use areas shall be located a minimum of 100 feet from any residentially zoned property.

**b.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA

30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

**63. Meat Packing and Processing.**

**a.** Minimum lot size shall be ten (10) acres.

**b.** Minimum perimeter setbacks: Setback of one hundred (100) feet shall be maintained.

**c.** Minimum perimeter buffer: Level 3 Buffer

**d.** No such operation shall be located within one thousand (1,000) feet of residentially zoned property.

**e.** No open lagoons shall be permitted.

**f.** A refuse and waste storage plan (collection and disposal plan) must be submitted and approved by the Board prior to issuance of a Special Use Permit.

**g.** No livestock shall be permitted to be stored overnight.

**h.** Any structures which may be deemed noxious, toxic, or offensive by reason of odor, dust, vibration, smoke, gas, or fumes shall require abatement plans for such nuisances for the protection of public health, safety, and welfare.

**i.** All animals awaiting processing are to be housed within a fully enclosed structure.

**j.** All inedible offal, meat that is not food, condemned material and refuse of the meat processing shall be refrigerated and stored in the interior of a fully enclosed structure until time of pick-up or final disposal.

**64. Metal Fabrication and Welding.**

**a.** The use shall not generate noise, vibration, glare, fumes, or odors which are readily detectable on adjacent residentially zoned property.

**b.** Outdoor storage shall meet the requirements of this Chapter.

**65. Multifamily Dwelling.** These standards apply to dwellings that are not subject to the NC Residential Building Code.

**a.** The lots in any multi-family residential subdivision are exempted from the requirements of Table 6.6.2 when the subdivided tract abuts land that is not part of the subdivision, and each lot is of sufficient size to be buildable in compliance with all other applicable requirements of this Ordinance.

**b.** Multifamily dwellings shall also be subject to the supplementary standards of Table 5.6.2 regulating maximum building height and number of units per building.

**c.** Multifamily dwellings within the C-C District shall comply with the standards of Subsection 5.3 (Zoning District Dimensional Standards) for that district.

**Table 7.6.2 Supplementary Standards for Multifamily Dwellings**

| Zoning District | A-G | R-20 | R-10 | R-6 | R-3 | R-MH | C-C | B-1 | G-C | H-C | O-I | L-I | H-I | PUD |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Maximum Building Height | | | | 50 | 60 | | 50 | 30 | 40 | 50 | | | | |
| Maximum Units Per Building | | | 4 | 6 | 8 | | 8 | 4 | 12 | 12 | | | | Per PUD |

**66. Nightclub or Dance Hall, Private Club or Bar.**

**a.** No nightclub or dance hall shall be located within 200 feet of a religious institution; elementary, middle, or high school; or residentially zoned property.

**b.** An opaque fence six (6) feet in height shall be installed along any lot lines shared with property containing single-family attached or detached dwellings.

**67. Outdoor Storage, Nonresidential**.

**a.** To be classified as goods for sale and exempt from outdoor storage yard regulations, items must be placed within an enclosed building at the end of each business day.

**b.** The Outdoor Storage Yard use shall be required for the outdoor storage of all items awaiting or in process of repair, except passenger vehicles awaiting repair which are not visibly damaged and are not intended to be used as "parts vehicles." For the purposes of this Section, passenger vehicles shall include cars and trucks, vehicles with more than two (2) axles, boats, manufactured homes, trailers of tractor-trailer trucks, ATVs, and other like vehicles.

**c.** The extent of the outdoor storage area(s) on-site shall be clearly delineated as part of the application for establishment of the use.

**d.** Outdoor storage areas shall comply with the minimum setbacks applicable to principal structures in the zoning district where the outdoor storage area is located.

**e.** Screening meeting the standards of Subsection 6.2.15 (Outdoor Storage Area Screening), shall be installed around the perimeter of the site.

**f.** No materials shall be stored on any potable or non-potable water easement, stormwater easement, or sanitary sewer easement.

**68. Park.**

**a.** All activity areas and facilities shall be located at least twenty (20) feet from any property line.

**69. Parking Lot.**

**a.** The design of any parking lot shall comply with Section 6.3 (Parking Standards).

**b.** No business other than the rental of parking spaces shall take place on-site, except where a zoning permit for another use has been issued in accordance with Section 4.7 (Zoning Permits).

**70. Parking Structure.**

**a.** The design of any parking structure shall comply with Section 6.3 (Parking Standards).

**b.** Parking structures shall comply with the dimensional standards applicable to principal structures in the zoning district where the parking structure is located.

**c.** Parking structures visible from street rights-of-way shall be designed to be compatible with the architectural character of adjacent buildings.

**d.** Parking structure facades shall incorporate variation in color, massing, or architectural features to reduce the appearance of bulk.

**e.** Parking structure facades adjacent to residential zoning shall be enclosed to prevent light spillover and the spread of noise or pollutants on the adjoining property.

**f.** Parking structures shall be sufficiently illuminated to promote occupant safety. Fixtures shall be designed and located to illuminate only the interior of the parking structure and not project glare onto adjoining property.

**g.** Lighting shall generate at least one (1) footcandle at any point within the parking structure.

**71. Pocket Neighborhood.**

**a.** A pocket neighborhood shall be designed as a group of single-family detached dwellings built in close proximity to one another and to a central open space area.

**b.** Pocket neighborhoods shall be located on a parcel of land at least one (1) acre in size, but not greater than five (5) acres.

**c.** A pocket neighborhood shall include at least four (4) but no more than twelve (12) dwellings.

**d.** A pocket neighborhood shall include centrally located common open space that comprises at least twenty-five (25) percent of the total site area.

**e.** The primary entrance to each dwelling within the pocket neighborhood shall orient towards

the central common open space.

**f.** A sidewalk network shall connect each of the dwellings within the pocket neighborhood to any common parking areas as well as the central open space area. This internal sidewalk network shall also be connected to any external sidewalks adjacent to the site.

**g.** No structure within the development shall be closer than ten (10) feet from any other structure.

**h.** Dwellings within the development shall have a maximum height of twenty-five (25) feet.

**i.** Fences within a front or side yard forward of the front façade of any dwelling shall not exceed three (3) feet in height.

**j.** The maximum impervious coverage within the development shall be 75%.

**k.** A pocket neighborhood shall include a homeowners' association that maintains control of common areas and takes responsibility for maintenance of common features in the neighborhood.

**l.** A Type I Bufferyard shall be installed along any lot line adjacent to existing single-family detached dwellings.

**72. Police Station.**

**a.** The use shall have direct access to a collector street or thoroughfare.

**b.** The use shall be set back a minimum of 50 feet from adjacent residentially zoned property.

**c.** A Type II Bufferyard shall be installed between the use and any adjacent residentially zoned property.

**d.** Vehicle impound or evidence storage lots shall meet the requirements of Subsection 7.3.4.106 (Vehicle Towing and Storage Lot).

**73. Prison/Correctional Institution**

**a.** The principal structure and any accessory use or structure (excluding property boundary fencing) shall be located at least five hundred (500) feet from any residential structure or property located in a residential zoning district.

**b.** Property boundary fencing shall not employ barbed wire, razor wire, electrical fencing, or similar materials where abutting property located in a residential district. Said fence shall be setback twenty (20) feet from the property line.

**c.** In addition to the security fencing, the landscaping requirements for a Type B buffer yard shall be provided on the exterior of fencing wherever it is adjacent to a street or property in a residential district.

**d.** Any facility larger than five (5) acres shall have direct access to a major or minor thoroughfare as depicted on the most currently adopted version of the local thoroughfare plan or comprehensive transportation plan.

**e.** Any expansion of a correctional facility requires a special use permit.

**74. Public Recreation Facility.**

**a.** Public recreation facilities shall have direct access to a collector street or thoroughfare.

**b.** All activity areas and facilities shall be located at least twenty (20) feet from any property line.

**75. Quarrying or Mining.**

**a.** No quarrying or mining areas shall be located closer than 100 feet from any lot line and shall

be located at least 300 feet from any residentially zoned property.

**b.** Access to the property shall be controlled using gates, chains, or fences.

**c.** All unpaved areas shall be maintained in a manner that prevents dust from spreading onto adjoining properties.

**d.** A Type II Bufferyard shall be installed around the perimeter of the site.

**76. Racetrack.**

**a.** A Type III Bufferyard shall be installed between the use and any adjacent residentially zoned property.

**b.** No racetrack shall be located closer than 100 feet from any lot line and shall be located at least 500 feet from any residentially zoned property.

**c.** No racing or other vehicular activity shall take place on-site between the hours of 10 p.m. and 8 a.m.

**77.Recreational Vehicle (RV) Park.**

**a.** RVs within the park shall not be used as permanent dwellings. All RVs within the park shall be properly licensed and ready for road use.

**b.** Occupancy of a single RV for a period of more than one hundred eighty (180) total days in any twelve (12) month period shall be considered permanent occupancy and shall be prohibited.

**c.** No structures shall be permanently attached to any RV.

**d.** Removal of RV wheels, except for the purposes of temporary repair or attachment of vehicles or trailers to the ground for stabilizing purposes, shall be prohibited.

**e.** RV sites within the park shall comply with the following standards:

**1.** The maximum number of RV sites per acre within the park shall be twenty (20).

**2.** Sites shall have a minimum width of twenty (20) feet.

**3.** Sites shall have a minimum depth of fifty (50) feet.

**4.** Each site shall be at least 1,000 square feet in size.

**5.** Only one RV shall occupy a site at any time.

**6.** Each site shall have an address posted thereon to distinguish it from other sites in the park.

**7.** RVs shall be subject to the minimum building setbacks for the zoning district of the RV park.

**8.** An RV shall be separated from any other RV by at least ten (10) feet. Attached awnings shall be considered to be part of the RV for separation purposes.

**9.** No RV site shall have direct access to a public road.

**10.**All RV sites shall be accessible only from interior drive aisles.

**f.** Drive aisles shall meet the minimum width requirements of Section 6.3 (Parking Standards].

**g.** No vehicles shall park within the travel way of any road, driveway, or drive aisle.

**h.** Interior drives shall be surfaced with an all-weather surface capable of supporting emergency vehicles.

**I.** Dead end drives shall have a fire truck turn around.

**J.** A travel trailer exhibit shall be provided that verifies the turn radius for any travel trailers using the RV park.

**k.** No manufactured homes shall be parked or stored in an RV park.

**l.** Tents are not allowed within an RV park.

**m.** All RV parks with thirteen (13) or more sites shall provide three hundred forty-nine (349) square feet of recreational area per site, and at least five (5) percent of the total area of the park shall remain as open space. Recreational area shall not count towards the aforementioned open space requirements.

**n.** At least one (1) on-site supervisor shall be on duty at all times. The supervisor shall keep an accurate register containing a list and description of all RVs and owners located in the park.

**o.** Water supply and sewage disposal shall be in compliance with Town, County, and/or State standards.

**p.** The applicant for an RV Park shall provide a copy of the RV Park's proposed rules, covenants, and/or regulations.

**q.** An RV Park may have centralized service buildings that contain management offices, retail sales, laundry, toilet and bathing facilities, and other uses and structures incidental to the operation of the park. Such uses and facilities shall be restricted in their use to the occupants of the park only.

**78. Recycling Center, Convenience Stop**.

**a.** Recycled batteries must be stored in non-porous containers.

**b.** Recycled motor oil and grease shall be stored in above-ground tanks in accordance with the North Carolina Fire Code and associated appendices.

**c.** Recycling center, convenience stops, shall be enclosed by a fence or wall at least six (6) feet in height, located at least 20 feet from any right-of-way and 50 feet from adjoining property lines. This fencing shall be required in addition to any landscaped bufferyard required per Subsection 6.2.6 (Bufferyard Requirements).

**d.** A minimum separation of five (5) feet shall be maintained along the interior perimeter of this fence or wall and any stored materials.

**e.** Access to the recycling center shall be gated, and all gates shall be closed and secured outside of business hours.

**f.** Facilities shall be maintained in a manner which limits dust from drifting onto adjoining properties.

**79.Recycling Center, Processing.**

**a.** Recycled batteries must be stored in non-porous containers.

**b.** Recycled motor oil and grease shall be stored in above-ground tanks in accordance with the North Carolina Fire Code and associated appendices.

**c.** Recycling centers shall be enclosed by a fence or wall at least six (6) feet in height, located at least 20 feet from any right-of-way and 100 feet from adjoining property lines. This fencing shall be required in addition to any landscaped bufferyard required per Subsection 6.2.6 (Bufferyard Requirements).

**d.** A minimum separation of five (5) feet shall be maintained along the interior perimeter of this fence or wall and any stored materials.

**e.** Access to the recycling center shall be gated, and all gates shall be closed and secured outside of business hours.

**f.** Facilities shall be maintained in a manner which limits dust from drifting onto adjoining properties.

**80. Repair Shop.**

**a.** All repair activities and storage shall occur indoors.

**b.** Gun repair shops shall be considered Firearm Sales and Service by this Ordinance.

**81. Retail, Bulky Item.**

**a.** All outdoor storage of materials shall be screened from view of adjacent streets and residentially zoned land. This requirement shall not apply to the placement of goods or products for sale on-site.

**b.** Any item that exceeds ten (10) feet in height shall be located at least ten (10) feet from any right-of-way and shall not be placed within required setbacks, parking, or landscape areas.

**82. Riding Academy.**

- **a.** Riding academies may include facilities for the short- and long-term boarding of horses.
- **b.** Fencing of sufficient height to contain horses on the site shall be required.

**83. Salvage or Automobile Graveyard.**

- **a.** The minimum area required to establish a Salvage, Junkyard, or Automobile Graveyard shall be ten (10) acres.
- **b.** Parcels containing this use shall not be closer than 300 feet to any residential zoning district, school, hospital, nursing home, assisted living facility, or day care facility.
- **c.** Salvage, junkyard, or automobile graveyards shall be enclosed by a fence or wall at least six (6) feet in height, located at least 20 feet from any right-of-way and fifty (50) feet from adjoining property lines. This fencing shall be required in addition to any landscaped bufferyard required per Subsection 6.2.6 (Bufferyard Requirements).
- **d.** A minimum separation of five (5) feet shall be maintained along the interior perimeter of this fence or wall and any stored materials.
- **e.** Access to the facility shall be gated, and all gates shall be closed and secured outside of business hours.
- **f.** Facilities shall be maintained in a manner which limits dust from drifting onto adjoining properties.
- **g.** Noise produced by equipment used as part of the salvage or junkyard operation shall not exceed fifty-five (55) decibels as measured at the property line.
- **h.** Operations that produce noise that is audible off-site shall be prohibited between 6 p.m. and 7 a.m.
- **i.** No vibration shall be produced which is transmitted through the ground and which is discernable without the aid of instruments at or beyond the property line.
- **j.** Emissions of smoke and burning of non-vegetative matter shall not be permitted on-site.
- **k.** Open dumping of trash or garbage on-site shall be prohibited.
- **l.** Disposal of toxic/hazardous matter on-site shall be prohibited.
- **m.** Storage of fuels shall be in below-ground tanks meeting the requirements of the state of North Carolina. No fuel storage shall take place within 1,000 feet of any structure containing residential, education, or institutional uses.
- **n.** A spill containment plan must be approved by the fire department serving the property where the use is located.
- **o.** Gasoline and oil shall be removed from scrap engines or vehicles stored on-site.
- **p.** The site shall be adequately drained to ensure that no standing water exists which could provide an insect breeding habitat.
- **q.** Weeds and grasses shall be controlled within the salvage or junkyard.
- **r.** Salvage materials shall be stored in piles not exceeding ten (10) feet in height, and piles shall be arranged to permit easy access to the entire operation for firefighting purposes.
- **s.** Where environmental protection regulations require the installation of a monitoring well on-site, results of all required tests shall be forwarded to the Town of Siler City as well as the appropriate state agencies.
- **t.** No more than 200 unmounted tires may be stored on-site, and any unmounted tires shall be stored in an enclosed structure to prevent accumulation of water within the well of the tire.

**84. School, Elementary.**

- **a.** Elementary schools located on sites of three (3) acres or more shall have direct access to a collector street or thoroughfare.
- **b.** The minimum side and rear setbacks shall be at least 50 feet unless a greater setback is required by the underlying zoning district.

**c.** Manufactured structures may be allowed as temporary classroom units in accordance with Section 7.5 (Temporary Uses).

**d.** The maximum height for any school building shall be the lesser of 50 feet or the maximum height of the underlying zoning district.

**85. School, High/Middle.**

**a.** Schools located on sites of three (3) acres or more shall have direct access to a collector street or thoroughfare.

**b.** The minimum side and rear setbacks shall be at least 50 feet unless a greater setback is required by the underlying zoning district.

**c.** A Type I Bufferyard shall be installed along all lot lines shared with residentially zoned property.

**d.** Manufactured structures may be allowed as temporary classroom units in accordance with 7.5 (Temporary Uses).

**e.** The maximum height for any school building shall be the lesser of 50 feet or the maximum height of the underlying zoning district.

**86. School, Vocational**.

Facilities within a vocational school which generate significant noise or fumes, such as auto body or engine repair facilities, shall be located at least 100 feet from any adjacent residentially zoned property.

**87. Shelter House**.

No more than one Shelter House may exist on the same lot.

**88. Shooting Range (Indoor).**

**a.** All activities associated with this use shall take place within enclosed and soundproofed structures.

**b.** The facility shall be designed to absorb sound to the maximum extent feasible and at a minimum, so that the operation does not cause unreasonably loud, annoying, or disturbing noise per the definition of the Town's public nuisance ordinance.

**89. Shooting Range (Outdoor).** (see also the Firearms ordinance in the Town of Siler City Municipal Code)

**a.** A Type III Bufferyard shall be installed between the use and any adjacent residentially zoned property.

**b.** Rifle and pistol ranges shall be located on lots of no less than fifteen (15) acres in size, and the distance between the firing point and any residential property shall be no less than 300 yards.

**c.** The backstop or target area shall be located not less than five hundred (500) feet from a road right-of-way and not less than fifteen hundred (1,500) feet from a residence located to the rear and/or side of the backstop.

1. Backstop Design and Positioning:
   For shotgun and pistol ranges, backstops shall be constructed of a material that will allow fired rounds to penetrate and not pass through. It shall be maintained at a height of four (4) feet above the target.
   Rifle ranges shall be designed to accommodate rifle fire located so that the target area is positioned at the foot of an upward inclined slope of ground, whether natural or artificially created, rising at least twenty-five (25) feet in fifty (50) feet horizontally (1:2 slope) above the elevation of the target.

**d.** Private shooting ranges shall be regulated by the Town's adopted Discharge of Firearms ordinance

~~Rifle and pistol ranges shall be prohibited~~.

e. Shooting-related activities shall be prohibited between the hours of 9 p.m. and 8 a.m.

**c.** **92**Security fencing to prevent an individual from crossing the property downrange..

**d.** Berms shall be of sufficient height and thickness as approved by the Guilford County Sheriff's Office to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the berm.

**e.** Shooting-related activities shall be prohibited between the hours of 9 p.m. and 8 a.m.

**90. Short Term Rental.** Reserved for future use.

**91. Single-Family Detached Dwelling**.

**a.** Modular homes shall comply with the standards in G.S. 160D-91 of the North Carolina General Statutes and the State Residential Building Code, and shall be treated as site-built single-family detached dwellings.

**b.** The following standards shall apply to all single-family detached dwellings:

**1.** Parking outside of a substantially enclosed structure of vehicles of a commercial or industrial nature with more than two (2) axles and/or a gross vehicle weight (GVW) in excess of fourteen thousand (14,000) pounds or trailers of a commercial or industrial nature with more than one (1) axle including but not limited to tractor trailers, cargo trucks, bulldozers, backhoes, and other heavy equipment shall be prohibited from parking on a regular basis, except while actually engaged in loading or unloading, legitimately on the property to perform routine or emergency maintenance services, or in connection with an approved construction project.

**2.** Notwithstanding this prohibition, the vehicles and equipment to which this section applies may be parked or placed in the rear yard of a residence if located inside an enclosed structure or properly screened such that said vehicles are not visible from adjacent public streets or properties.

**3.** This provision shall not apply to recreational vehicles (RV's), boats, boat trailers, and small utility trailers.

**4.** Parking outside a substantially enclosed structure of more than four (4) motor vehicles between the front (and side street facing, in the case of a corner lot) façade of the principal building and the street on any lot shall be prohibited.

**5.** All vehicle accommodation areas shall maintain a primarily residential appearance and be compatible with the character of residential neighborhoods. All parking areas and driveways shall be designed, located, and constructed to meet the following standards:

**a)** All parking spaces and drives shall be clearly delineated, constructed, surfaced, and adequately maintained with a hard-all-weather surface such as #57 stone, #67 stone, #78 stone, brick, pavers, asphalt, concrete, pervious paving, turf stone, or other approved material. .

**b)** The edge of all parking areas and driveways shall be clearly delineated, with a well-maintained edge.

**c)** No more than twenty-five (25) percent of the front (or side, in the case of a corner lot) yard area (measured from the front facade of the principal building to the edge of the street) may be delineated or used for parking and drive areas unless the Board of Adjustment grants a variance in accordance with this Subsection, Some examples of cases eligible for consideration of a modification are as follows:

**1)** A portion of the delineated area is primarily used for vehicular drive and turnaround movements and not for the parking of vehicles;

2) The delineated area for the minimum required parking spaces and reasonable access drives would exceed twenty-five (25) percent of the yard area;
3) The relevant lot line (front or side) is less than fifty (50) feet wide, and it is judged to be infeasible to keep required delineated parking areas to less than twenty-five (25) percent of the yard;
4) The topography, location of the dwelling or the existing development of adjoining areas prevents conformance;
5) A portion of the delineated area is necessary to provide handicap accessibility to the dwelling; and
6) The existing all-weather surface currently exceeds twenty-five (25) percent of the yard, and a portion of the all-weather surface is designated as driveway only (or for a non-parking use) and/or physically restricted or barricaded from use as vehicle parking.

**6.** Corner Lots. For purposes of this Section, corner lots with areas used for parking and drives within the side yard area between the principal structure and the side street right-of-way which are unscreened and visible from a public street, are treated the same as front yard parking areas; however, only one yard (either front or side) may be utilized for parking and drive purposes, consistent with the rules set forth herein.

**7.** Notwithstanding the provisions contained in Chapter 9 (Nonconforming Situations) or elsewhere in this Ordinance, all of the requirements contained in this Section shall be applicable to all existing and future single-family residences, two family residences, homes emphasizing special treatment, supervision, or care.

**92. Small Wireless Facility Collocation**.

**a.** Small Wireless Facilities shall comply with the standards of G.S. 160D-935.

**93. Solar Farm.**

**a.** The standards of this Section shall apply to any solar farm established after the effective date of this Ordinance. Maintenance, repair, or expansion of existing solar farms shall not be subject to these standards.

**b.** The minimum lot size for a solar farm shall be ten (10) acres or more.

**c.** A minimum setback of 100 feet shall be provided between adjacent properties and any solar panels and inverters.

**d.** The maximum height of any solar panel installed on site shall not exceed fifteen (15) feet.

**e.** A fence a minimum of six (6) feet in height shall be provided around the entire facility.

**f.** Access to the facility shall be gated, and all gates shall be closed and secured outside, except as necessary to operate or maintain the facility.

**g.** In addition to the fence described in e. above, the facility shall also be screened by a Type I Bufferyard meeting the requirements of Subsection 6.2.6 (Bufferyard Requirements), which may exist inside or outside of the fence.

**h.** The solar farm shall be constructed in accordance with applicable building and electrical codes. Solar panels and any other equipment shall be mounted and installed according to the manufacturer's specifications.

**i.** If the facility is to be connected to the local power grid, proof of conditional approval from the local utility shall be provided at the time of application for the special use permit.

**j.** The electrical disconnect switch shall be clearly identified on plans and in the field, and shall remain unobstructed at all times. A map showing the location of the switch shall be provided to the Town of Siler City's police, fire, and public works departments. Emergency access to the

facility by governmental authorities shall be allowed at all times.

**k.** Written notification of the intent to establish a solar farm shall be submitted by the applicant to the North Carolina Commanders Council for consideration of potential impacts to low altitude military flight paths. This notification shall be sent 30 days prior to the hearing for the special use permit establishing this use, and shall include the details regarding the technology to be used on-site, the site's location, and its size in acres.

**l.** Written notification of the intent to establish a solar farm shall also be submitted by the applicant to the Federal Aviation Administration's (FAA) Airport District Office (ADO) with oversight of North Carolina. This notification shall be sent 30 days prior to the hearing for the special use permit establishing this use, and shall include the details regarding the technology to be used on-site, the site's location, its size in acres, and a glare analysis using the latest version of the Solare Glare Hazard Analysis Tool (SGHAT).

**m.** Confirmation from the North Carolina Commanders Council and the FAA ADO that the proposed solar farm shall not cause safety hazards or operational issues for aircraft shall be required prior to the issuance of any building permits for the facility.

**n.** Decommissioning Plan - The Division of Waste Management, Utility-Scale Solar Project Decommissioning Program administers and enforces the decommissioning and financial assurance requirements applicable to utility-scale solar projects as mandated in North Carolina Session Law 2023-58, Part II and III. Decommissioning for utility-scale solar projects smaller than 2 megawatts alternating current (MW AC), or to renewable energy facilities owned or leased by a retail electric customer intended primarily for the customer's own use or to offset the customer's own retail electrical energy consumption at the premises or for net metering shall follow the following process:

**1.** The applicant will be required to submit a plan defining conditions upon which decommissioning will be initiated. Notice shall be provided to the Zoning Administrator when the facility is placed out of service. Facilities which are not operating for a period of six (6) months or more shall be removed by the property owner within one hundred twenty (120) days. Furthermore, a form of surety equal to one hundred percent (100%) of the cost of decommissioning under the plan, as estimated by a North Carolina licensed engineer (under seal), and approved by the Zoning Administrator and Town Attorney, either through cash, a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town. This surety shall be retained by the Town to cover the costs of the decommissioning requirements.

**94. Sports Facility, Outdoor.**

**a.** The minimum site size for this use shall be five (5) acres.

**b.** Minimum setbacks from residential zoning districts shall be 100 feet, while minimum setbacks from other districts shall be 50 feet.

**c.** A Type III Bufferyard shall be installed adjacent to any single-family residential zoning district.

**95. Stockyard/Livestock Sales.**

a. Fencing of sufficient height to contain the livestock on the site shall be required.

b. Outdoor activity areas shall be set back a minimum of 50 feet from any adjacent residentially zoned property.

c. Facilities shall be located on a site with direct access from a collector street or higher capacity road.

d. Outdoor activities shall be prohibited between midnight and 7 a.m.

e. All parking shall be screened from adjacent residentially zoned property by a Type II Bufferyard.

**96. Telecommunications Facilities**

**a.** Purpose and Intent. This Section establishes general standards for the siting of telecommunications facilities that will provide for the public health, safety, and welfare. The standards are intended to ensure that residents, businesses, and public safety operations in the Town's planning jurisdiction have reliable access to wireless communications services. More specifically, the provisions of this Section are intended to:

1. Ensure adequate protection of residential areas and uses from potential adverse impacts of communications facilities, and to generally encourage the location of these facilities in areas where adverse impact on the community is minimal;
2. Encourage the placement of telecommunications facilities in non-residential areas;
3. Minimize the number of new major telecommunications towers generally;
4. Create conditions where telecommunications service providers are able to provide telecommunications services effectively and efficiently in accordance with State and federal law;
5. Strongly encourage the joint use or collocation of new and existing telecommunications facilities so as to minimize the number of new telecommunications towers throughout the Town;
6. Establish collocation and concealed towers as the preferred options for the accommodation of telecommunications equipment; and
7. Ensure that telecommunications facilities located within the public right of way do not obstruct sight distance triangles or create safety hazards for pedestrians or bicyclists.

**b.** Applicability. The standards in this Section shall apply to all telecommunications facilities except for the following, which are exempted from these standards but remain subject to all other applicable standards in this Ordinance:

1. Removal of antennas, antenna support structures, or telecommunications equipment on an existing telecommunications tower, utility pole, vertical projection, or equipment compound that does not result in a substantial modification;
2. The operation of a small wireless facility solely within the interior of a structure, stadium, or athletic facility;
3. Routine maintenance on an existing telecommunication facility;
4. Installation, modification, or operation of a micro-wireless facility, receive-only television antenna, or receive-only radio antenna for noncommercial use;
5. Installation, modification, or operation of FCC-licensed amateur ("ham") radio equipment; and

6. Dish antenna or earth stations.

**c.** Retention of Expert Assistance and Reimbursement by Applicant. The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application for a telecommunications facility, including the construction and modification of the site, in accordance with these standards:

1. Upon filing an application, an applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the review of any application, including the construction and modification of the site, once permitted.
2. The initial deposit shall be in the amount set forth in the adopted fee schedule and shall be paid at the time the application is submitted. The Town will maintain a separate escrow account for all such funds.
3. The Town's consultants/experts shall invoice the Town for its services in reviewing the application, including the construction and modification of the site, once permitted.
4. If at any time during the process this escrow account has a balance less than an amount set forth in the adopted fee schedule, the applicant shall immediately, upon notification by the Town, replenish the escrow account so that it maintains the minimum required balance. Any additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application.
5. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

**d.** Telecommunications Facilities Distinguished. The following use types and configurations are considered to be telecommunications facilities subject to these requirements:

1. New and replacement major telecommunication towers of 50 feet in height or taller;
2. New and replacement minor telecommunication towers of up to 50 feet in height;
3. Stealth or concealed telecommunication towers, antennae, or telecommunications equipment;
4. Major collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections;
5. Minor collocations of antennae and associated equipment on existing towers, buildings, or other vertical projections; and
6. The installation of small wireless facilities on land outside of a public street right-of-way.

**e.** General Standards Applicable to all Types of Telecommunications Facilities. The following requirements shall apply to all new telecommunications facilities and any modifications to an existing telecommunications facility that exceeds the scope of routine maintenance, as defined in this Section.

1. Building or Zoning Compliance Permit Required.
   Prior to installation or modification exceeding the scope of routine maintenance, all telecommunications facilities shall receive a building or zoning compliance permit as required, in accordance with the provisions of this Ordinance.
2. Compliance with Federal and State Regulations
   All telecommunication facilities shall comply with or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the federal government that regulates telecommunications facilities. In addition to federal requirements, all telecommunication facilities shall comply with or exceed current standards and regulations of the State of North Carolina pertaining to telecommunications facilities (Sections 160D-930 through 160D-934 of the North Carolina General Statutes).

**3.** Interference
No telecommunication facility shall disturb, diminish, or interfere with public safety, radio, television, or other wireless telecommunications signals in accordance with FCC requirements.

**4.** Structurally Sound
All elements of a telecommunication facility shall demonstrate, to the satisfaction of the Town, that the equipment and the structure supporting the equipment is structurally sound and can accommodate the proposed equipment and appurtenances.

**5.** Sight Distance at Intersections
All elements of a telecommunication facility shall be located outside of, and shall in no way obstruct, required sight-distance triangles. This requirement shall apply to existing streets as well as to future street intersections that have been designed or where right-of-way is currently being protected by the Town or the State.

**6.** Accessory Equipment
Accessory equipment, including any buildings, cabinets, or shelters, shall be used only for the purposes of housing telecommunications equipment and other supplies in direct support of the operation of the telecommunications facility. Any equipment or materials not used in direct support of such operation shall not be stored on the site.

**7.** Obstruction Lighting
Lighting of a telecommunications facility shall be limited to that required for compliance with FAA minimum standards. Any lighting required by the FAA must be of the minimum intensity and number of flashes per minute (i.e., the longest duration between flashes) allowable by the FAA. Nighttime strobing or flashing lights are prohibited, unless required by the FAA.

**8.** Signage
Signage shall be limited to safety or informational signage identifying the party responsible for the operation and maintenance of the facility and any additional security or safety signs, as necessary, in the opinion of the Planning Director.

**9.** Unauthorized Access Prohibited
Telecommunications towers and vertical projections with telecommunications equipment with a height of 30 feet above grade or more shall be designed or configured to prevent unauthorized persons from climbing on the telecommunication facility whether through use of walls or fencing with a minimum height of six (6) feet above adjacent grade, or anti-climbing devices.

**10.** Nonconforming Telecommunications Facilities

**a)** Lawfully established telecommunications facilities in operation prior to (*effective date of this Ordinance*), that do not comply with these standards may remain and operate as nonconforming uses.

**b)** In the event of conflict between these standards and the standards for nonconforming situations detailed in Chapter 9 (Nonconforming Situations), the standards in this Section shall control with respect to telecommunications facilities.

**c)** Ordinary and routine maintenance may be performed on a nonconforming telecommunications facility.

**d)** Minor collocation of antennae, antenna-support structures, and related telecommunications equipment is allowed, provided that the overall height of the existing nonconforming telecommunications facility remains unchanged or is reduced.

**e)** In no instance shall a collocation resulting in an increased overall height or a substantial modification, as defined in this Section and Section 160D-932 of the North Carolina General Statutes, be permitted on a nonconforming telecommunications

facility.

**f)** In the event a nonconforming telecommunications tower is removed, it shall not be replaced with another nonconforming telecommunications tower.

**11.** Cessation and Abandonment

**a)** A telecommunication facility shall be considered to have ceased operation if the Town receives written notice from a wireless services provider that it intends to cease operations at a particular telecommunication facility, or a telecommunications facility ceases to transmit a telecommunications signal for a period of six (6) months or longer.

**b)** Telecommunications facilities which are not used for a period of six (6) months or more shall be considered abandoned.

**12.** Tower Removal and Decommissioning Plan

**a)** Telecommunications towers which are not used for a period of six (6) months or more shall be removed by the property owner within one hundred twenty (120) days.

**b)** The applicant shall be required to submit a plan defining the conditions upon which decommissioning will be initiated. Notice shall be provided to the Zoning Administrator when the telecommunications tower is placed out of service.

**c)** Should the tower owner fail to remove the abandoned facility within the 120-day period described in Subsection a. above, the Town may cause the tower to be removed and may recover the actual cost of such removal, including legal fees, if any, from the tower owner.

**d)** Furthermore, a form of surety equal to one hundred percent (100%) of the cost of decommissioning under the plan, as estimated by a North Carolina licensed engineer (under seal), and approved by the Zoning Administrator and Town Attorney, either through cash, a surety performance bond, irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town. This surety shall be retained by the Town to cover all the cost of the decommissioning requirements.

**13.** Liability Insurance

**a)** The permit holder for telecommunications facilities shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage, and umbrella insurance coverage, until the tower is removed from the site, in amounts as set forth below:

**1)** Commercial general liability covering personal injuries, death, and property damage: $1,000,000 per occurrence/$2,000,000 aggregate;

**2)** Automobile coverage: $1,000,000 per occurrence/$2,000,000 aggregate; and

**3)** Worker's compensation and disability: statutory amounts.

**b)** The commercial general liability insurance policy shall specifically include the Town and consultants as an additional named insured.

**c)** The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a Best's rating of at least "A."

**d)** The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of the cancellation of the insurance.

**e)** Renewal or replacement policies or certificates shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.

**f)** Before construction of a permitted telecommunications facility is initiated, but in no case later than 15 days after issuance of the zoning compliance permit, the permit

holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

**f.** Standards for Antenna Collocation, Major.

A major collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on any of the following: a building's roof; a building's wall; a vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing telecommunications services; or an existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in these standards and G.S. 160D-931.

In addition, collocations may also include the placement of telecommunications equipment on the ground in close proximity to a telecommunications tower or vertical projection, within an equipment compound, within an equipment cabinet, within a building, or on a building's roof. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation.

**1.** Substantial Modification

Collocations on an existing or replacement telecommunications tower that require or result in any of the following shall be considered a substantial modification:

**a)** Increasing the existing overall height of the telecommunications tower by the greater of 20 feet or more than ten percent;

**b)** Adding an appurtenance (excluding cabling supports) to the body of an existing telecommunications tower that protrudes horizontally from the edge of the tower by the greater of: more than the width of the telecommunications tower at the height of the appurtenance; or more than 20 feet from the edge of the tower;

**c)** Increasing the square footage of an existing equipment compound by more than 2,500 square feet;

**d)** Substantial modifications that require an increase in the overall height of an existing telecommunications tower or require a replacement tower that exceeds the height of the existing telecommunications tower by more than 40 feet shall require review as a new telecommunication tower;

**2.** Maximum Height

Antennae, antenna-support structures, or other telecommunications equipment, associated with a major collocation on a building wall or roof shall not project more than ten (10) feet above the highest point of the building's roof or parapet wall.

**3.** Method of Attachment

A collocation shall be mechanically fastened to the building, roof, vertical projection, or telecommunications tower in a manner that minimizes the potential for structural failure or endangerment of the public from falling telecommunications equipment. The Zoning Administrator shall require an applicant for a collocation to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed collocation meets the applicable State and local building and fire code requirements.

**4.** Appearance When Concealed

When a collocation is proposed on a concealed telecommunications tower, the collocation shall be configured in the manner necessary to ensure the tower's concealment is not compromised or negatively impacted.

**5.** Setbacks

In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a collocation, the existing or replacement tower shall be set back at least one foot from the front, side, and

rear lot lines for each foot of overall telecommunications facility height, to the maximum extent practicable. Accessory structures, including equipment cabinets, guy wire anchors, and other ground-based equipment shall conform with the applicable dimensional requirements for the zoning district where located.

**g.** Standards for Antenna Collocation, Minor.

A minor collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in these standards and Section 160D-931 of the North Carolina General Statutes, is required. A minor collocation may also be referred to as an "eligible facility," as defined in these standards and G.S 160D-931.

In addition, collocations may also include the placement of telecommunications equipment on the ground in close proximity to a telecommunications tower or vertical projection, within an equipment compound, within an equipment cabinet, within a building, or on a building's roof. Nothing shall prohibit the replacement of an existing telecommunications tower or activities that increase the overall height of an existing telecommunications tower in order to accommodate a proposed collocation.

**h.** Standards for Small Wireless Facility Collocation.

**1.** Consolidated Application

An applicant may file a single consolidated application for up to 25 separate small wireless facilities at one time, but the Town may choose to issue separate decisions on one or more of the facilities included within a consolidated application.

**2.** Located Within Public Right-of-Way

In cases where a small wireless facility is proposed within a public right-of-way, the small wireless facility shall comply with all standards applicable to the right-of-way.

**3.** Timeframe for Review

Applications for establishment of a small wireless facility shall be processed and decided within 45 days from the date the application is determined to be complete. Nothing shall prohibit the Town and the applicant from mutually agreeing to a longer review period.

**4.** Timing for Operation

Construction of a small wireless facility shall commence within six (6) months of its approval, and the small wireless facility shall be activated for use within one year from the permit issuance date, unless delayed by a lack of commercial power at the site.

**5.** Maximum Equipment Size

In no instance shall a small wireless facility exceed the following maximum size limitations; a small wireless facility that exceeds these maximum size limitations shall be reviewed in accordance with the standards for a collocation:

**a)** Each antenna, and any exposed elements, shall be capable of fitting within an enclosure of six (6) cubic feet, or less.

**b)** All other wireless equipment associated with the small wireless facility shall maintain a maximum cumulative volume of 28 cubic feet, or less. The following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or the support structure.

**6.** Maximum Height

No new structure intended to support a small wireless facility shall be taller than 50 feet above the adjacent pre-construction grade. An existing structure (such as a utility pole, light standard, sign, etc.) may be replaced in order to accommodate a small wireless facility, but the replacement structure shall not exceed the height of the original structure

being replaced. In no instance shall the antennae or equipment associated with a small wireless facility project more than ten feet above the height of the structure the small wireless facility is mounted on. In cases where a new structure installed to serve a small wireless facility exceeds 50 feet in height, the structure shall be reviewed and decided in accordance with the standards for a telecommunications tower. In cases where a replacement structure intended to serve a small wireless exceeds the height of the original structure, the replacement structure shall be reviewed and decided in accordance with the standards for a collocation.

**7.** Placement

A small wireless facility, including the support structure and all other equipment, shall not obstruct the safe passage of vehicles, pedestrians, or bicycles.

**8.** Method of Attachment

Antennae, antenna-support structures, or other wireless communications equipment, associated with a small wireless facility shall be mechanically fastened to the supporting structure in a manner that minimizes the potential for structural failure or endangerment of the public from falling wireless telecommunications equipment. The Planning Director shall require an applicant for a small wireless facility to furnish evidence from a professional engineer licensed in the State of North Carolina that the proposed wireless telecommunications facility meets the applicable State and local building and fire code requirements.

**9.** Appearance

The portion of a small wireless facility attached to the support structure shall match the color of the support structure, to the maximum extent practicable. In cases where an applicant proposes inclusion of a small wireless facility on a decorative support structure, sign, or other existing structure not constructed solely for the purposes of providing wireless telecommunications services, the town may require the small wireless facility to be configured or concealed to ensure compatibility with the structure.

**10.** Electrical Service

In cases where a small wireless facility is proposed in areas where electrical service is underground, all electrical service to the small wireless facility shall also be underground.

**i.** Standards for Telecommunications Tower, Major.

A new or replacement telecommunications tower with a height of 50 feet or more above grade is a major telecommunications tower subject to these standards. A new or replacement telecommunications tower with a height less than 50 feet above grade shall be considered a minor telecommunications tower.

**1.** Setbacks

**a)** Towers and their associated antennas shall be set back at least one (1) foot from the front, side, and rear lot lines for each foot of overall telecommunications facility height.

**b)** In cases where an existing telecommunication tower's height is increased or where an existing telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement tower shall comply with the setback requirements of this Section, to the maximum extent practicable.

**2.** Maximum Height

The maximum height (including antenna and other appurtenances) for any new, replaced, or collocated telecommunication tower is 300 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall the collocation of an eligible facility or a collocation that constitutes a substantial modification result in a telecommunication tower with a height that exceeds 300 feet above the adjacent pre-construction grade. In cases where a telecommunications tower

is mounted to or on top of a building, the overall height of the building and the attached tower shall not exceed 300 feet from the adjacent preconstruction grade. The adjacent pre-construction grade shall be the grade at the base of the building closest to the tower.

**3.** Collocation Required

Telecommunications towers shall be designed to accommodate the present and future needs of the owner and as well as the collocation of additional equipment, in accordance with the following standards:

**a)** Towers of 50 to 80 feet in height shall be configured to accommodate the collocation of at least two (2) telecommunications service provider's equipment.

**b)** Towers of 81 to 130 feet in height shall be configured to accommodate the collocation of at least three (3) telecommunications service provider's equipment.

**c)** Towers of 131 feet in height or higher shall be configured to accommodate the collocation of at least four (4) telecommunications service provider's equipment.

**j.** Standards for Telecommunications Tower, Minor or Concealed.

A minor or concealed telecommunications tower is a telecommunications tower and associated equipment that is designed to appear as something other than a traditional telecommunications facility. A minor telecommunications tower is a use that is designed to appear as a traditional communications facility except that the maximum height of the tower portion of the facility is less than 30 feet above grade.

**1.** Appearance of a Concealed Telecommunications Tower. A concealed telecommunications tower shall be configured to conceal the presence of the tower, antennas, antenna-support structures, and related telecommunications equipment in order to obscure its purpose as a telecommunications facility, to the maximum extent practicable. Allowable configurations include, but are not limited to bell towers, clock towers, water towers, silos, chimneys, steeples, light poles, flag poles, or evergreen trees. Antennae, antenna support structures, cabling, and related appurtenances shall be enclosed, camouflaged, screened, or otherwise obscured so that they are not readily identifiable as wireless telecommunications equipment to the casual observer.

**2.** Setbacks. Concealed and minor telecommunications towers and associated accessory structures, including equipment cabinets, shall comply with the applicable dimensional requirements for non-residential uses in the zoning district where located. In no instance shall a concealed or minor telecommunications tower be exempted from the minimum applicable setback requirements for non-residential uses. In cases where an existing concealed telecommunication tower's height is increased or where an existing concealed telecommunications tower is replaced in order to accommodate a major or minor collocation, the existing or replacement concealed telecommunications tower shall comply with the setback requirements above, to the maximum extent practicable.

**3.** Maximum Height. The maximum height for any concealed wireless telecommunication tower is 200 feet, as measured from the adjacent pre-construction grade to the top of the highest appurtenance on the tower. In no instance shall a collocation of an eligible facility or work associated with a substantial modification result in a concealed telecommunication tower with a height that exceeds 200 feet above the adjacent pre-construction grade. The maximum height for a minor telecommunications tower is less than 50 feet from the adjacent pre-construction grade to the top of the highest appurtenance on the tower.

**4.** Collocation. Concealed and minor telecommunications towers are encouraged (but not required) to accommodate the collocation of other antennae. Collocations of equipment on a minor telecommunications tower (whether a major or minor collocation) shall not increase the overall height of the tower by more than 10 feet beyond the initially approved height of the minor telecommunications tower. Actions that result in an increase in tower

height by more than ten (10) feet shall require the minor telecommunications tower to undergo review as a major telecommunications tower. Any collocated equipment on a concealed telecommunications tower must maintain the appearance of the facility as a concealed telecommunications tower. In no instance shall a concealed telecommunications tower be replaced with a telecommunications tower that is not concealed in order to accommodate a collocation.

**97. Temporary Home for the Homeless.**

**a.** All residents of the home other than the manager shall:

**1.** be accepted only upon referral from an established agency within the community in collaboration with the Siler City Police Department.

**2.** need housing and shall intend to reside within the home for a period of no less than twenty-four (24) hours but not exceeding thirty (30) days while looking for more permanent accommodations within the community, and

**3.** be in need of temporary shelter because of some temporary emergency or exigency (e.g., pregnant teenagers, victims of domestic abuse or sexual assault, newly unemployed persons evicted from their homes) and not because of transiency, de-institutionalization, chronic unemployment, alcoholism, drug abuse, or criminal conduct.

**b.** Temporary Homes for the Homeless shall be subject to the following standards:

**1.** There shall be on-site supervision at all times by persons employed by or volunteers trained by the non-profit agency operating the shelter.

**2.** Rules of conduct shall be established and enforced by the agency operating the shelter. These rules shall prohibit the use or possession of drugs, alcohol, or weapons as well as disorderly conduct.

**3.** Residents living within the Town of Siler City Corporate Limits or Town of Siler City ETJ shall be given priority for staying in the subject temporary housing.

**c.** No more than one Temporary Home for the Homeless may exist on the same lot.

**98. Theater, Drive-In.**

**a.** Any projection screens shall be so oriented to as to not attract the attention of motorists on adjacent streets.

**b.** The audio of any screened films shall be delivered to each motor vehicle through individual speakers. No loudspeakers shall be permitted.

**c.** Film screenings shall be prohibited between the hours of midnight and 8 a.m.

**d.** Outdoor activity areas shall be set back a minimum of 100 feet from any adjacent residentially zoned property.

**e.** The entire drive-in theater complex shall be screened from adjacent residentially zoned property by a Type III Bufferyard, and from all other adjacent properties by a Type II Bufferyard.

**f.** The facility shall have at least two points of ingress and egress on a collector street or thoroughfare.

**99. Transfer Station.**

**a.** All structures shall be located a minimum of 300 feet from any residentially zoned property.

**b.** Equipment producing noise in excess of 70 decibels shall be located no closer than 100 feet to any residentially zoned property.

**c.** Any transfer station shall be located on a lot with access to a collector street or thoroughfare.

**d.** Access to the facility shall be gated, and all gates shall be closed and secured outside of

business hours.

**e.** No access road or driveway shall be located closer than fifteen (15) feet to any adjoining property.

**f.** The siting and design of the facility shall comply with the applicable requirements of the North Carolina Solid Waste Management Rules.

**g.** The operation of the facility shall be in compliance with the State of North Carolina's operation, maintenance, and monitoring regulations for solid waste disposal facilities.

**100. Truck Terminal.**

**a.** All driveways and lanes of circulation shall be paved.

**b.** Unpaved storage areas shall be maintained in a manner which limits dust from drifting onto adjoining properties.

**c.** Fencing a minimum of six (6) feet in height shall be provided around any outdoor storage and staging areas.

**d.** Where a truck terminal is adjacent to a railroad right-of-way which provides rail service to the terminal, no setback shall be required between said right-of-way and the truck terminal operation.

**101. Utility Substation..**

**a.** A Utility substation shall be enclosed by a non-climbable fence at least six (6) feet in height to prevent access to the facility by the general public. Such fencing shall be opaque where the utility substation is adjacent to residentially zoned property.

**b.** Access to the utility substation shall be gated, and all gates shall be closed and secured except as necessary to operate or maintain the facility.

**c.** Any buildings or structures shall be set back at least 50 feet from all residentially zoned property, and at least twenty (20) feet from all property lines.

**d.** Any on-site equipment producing noise in excess of 70 decibels shall be located at least 100 feet from any residentially zoned property.

**e.** Vehicles or materials stored on-site shall be stored within a building or under a structure.

**f.** A Type III Bufferyard shall be installed between the use and any adjacent residentially zoned property.

**102. Vehicle Painting/Body Shop.**

**a.** The use shall be located at least 300 feet from any residential zoning district.

**b.** Vehicles shall not be stored on-site for the purposes of being a source of parts.

**c.** Any outdoor vehicle storage area for more than ten (10) vehicles shall be located to the side or rear of the principal structure on-site, and shall be screened by a six (6) foot tall opaque fence.

**d.** Any outdoor vehicle storage area shall constitute no more than twenty-five (25) percent of the total area of the lot the use is located on.

**e.** Outdoor servicing, repair, or disassembly of vehicles is not allowed.

**f.** Junkyards, automobile graveyards, or the outdoor storage of materials for resale are prohibited.

**103. Vehicle Repair and Servicing (Without Painting or Bodywork).**

**a.** Air compressors, hydraulic lifts, vehicle access pits, repair equipment, lubrication equipment, and similar equipment shall be entirely enclosed within a building.

**b.** Vehicles shall not be stored on-site for the purposes of being a source of parts.

**c.** Any outdoor vehicle storage area for more than ten (10) vehicles shall be located to the side or rear of the principal structure on-site, and shall be screened by a six (6) foot tall opaque

fence.

**d.** Any outdoor vehicle storage area shall constitute no more than twenty-five (25) percent of the total area of the lot the use is located on.

**e.** Outdoor servicing, repair, or disassembly of vehicles is not allowed.

**f.** Junkyards, automobile graveyards, or the outdoor storage of materials for resale are prohibited.

**104. Vehicle Sales or Rentals.**

**a.** Vehicle display areas shall be surfaced with concrete or asphalt.

**b.** No vehicles, displays, or other items shall be displayed on the top of a building or used as signage.

**c.** Repair and service activities are allowed accessory to the vehicle sales or rental use, provided all repair-related activities occur within an enclosed structure.

**105. Vehicle Sports.**

**a.** A Type III Bufferyard shall be installed between the use and any adjacent residentially zoned property.

**b.** No vehicle sports facility shall be located closer than 50 feet from any lot line and shall be located at least 200 feet from any residentially zoned property.

**c.** All unpaved areas shall be maintained in a manner that prevents dust from spreading onto adjoining properties.

**d.** No vehicular activity shall take place on-site between the hours of 10 p.m. and 8 a.m.

**106. Vehicle Towing and Storage Lot.**

**a.** Any vehicle storage area shall be graded and surfaced with concrete, asphalt, or crushed stone.

**b.** The use shall be screened in accordance with the standards of Subsection 6.2.15 (Outdoor Storage Area Screening). The storage area shall not be visible from any adjacent property or public right-of-way.

**c.** No more than 50 vehicles shall be stored on the property at any time.

**d.** Access to the facility shall be gated, and all gates shall be closed and secured outside of business hours. Said gates shall be completely opaque and at least six (6) feet in height.

**e.** No storage area shall be permitted within 100 feet of any residentially zoned property.

**107. Veterinary Clinic.**

**a.** All activities associated with this use shall take place within enclosed and soundproofed structures unless the conditions of Subsections b. through c. are met.

**b.** All activities shall be at least 200 feet from any residentially zoned lot.

**c.** Any outdoor kennels or runs shall be enclosed by a fence of at least six (6) feet in height.

**d.** Veterinary Clinics with outdoor kennels must also comply with the standards of Small or Large Outdoor Kennels depending on the size of the kennel.

**108.Warehouse, Distribution or Storage**

**a.** Facilities shall be maintained in a manner which limits dust from drifting onto adjoining properties.

**b.** Uses engaged in the storage or distribution of flammable materials shall meet the requirements established by the fire prevention code of the National Board of Fire Underwriters and the National Fire Protection Association standards, Flammable and Combustible Liquids Code, NFPA 30 and Standards for the Storage and Handling of Liquefied Petroleum Gases, NFPA 58, as applicable.

**109. Warehouse – Self-Storage Facilities**

- **a.** The storage of hazardous, toxic, or explosive substances is prohibited.
- **b.** No business activity other than the rental of storage units, moving trucks and trailers, and the sale of moving supplies, may be conducted on the premises.
- **c.** Outdoor storage is prohibited. All goods and property shall be stored inside an enclosed building. Outdoor storage of boats, recreational vehicles, and storage in containers or pods is prohibited.
- **d.** Only the following building cladding materials shall be allowed: brick and brick veneer; stone and stone veneer; textured precast concrete panels; fiber cement board; glass; stucco; and wood.
- **e.** Building facades greater than 75 feet in linear length shall be articulated with recesses or projections which equal at least ten (10) percent of that façade's length.
- **f.** Glass display windows must cover at least twenty-five (25) percent of any street-facing building façade. Faux windows may be substituted for display windows, provided they mimic the look of true windows.
- **g.** Facilities shall be maintained in a manner which limits dust from drifting onto adjoining properties.
- **h.** The maximum height of any external access self-storage facility shall be twenty (20) feet.
- **i.** An opaque fence or wall at least six (6) feet in height shall be provided between the self-storage facility and all adjacent properties and rights-of-way.

**110. Water Storage Facility.**

- **a.** All buildings, structures, and related apparatus shall be set back at least twenty (20) feet from all property lines.
- **b.** Vehicles or materials stored on-site shall be stored within a building or under a structure.
- **c.** The entire facility shall be surrounded by a fence at least six (6) feet in height, except where the facility is secured and constructed of brick or concrete.
- **d.** Where the facility is surrounded by a fence, access to the facility shall be gated, and all gates shall be closed and secured except as necessary to operate the facility.

**111. Water Treatment Facility.**

- **a.** All buildings, structures, and related apparatus shall be set back at least 50 feet from all residentially zoned property, and at least twenty (20) feet from all property lines.
- **b.** Any on-site equipment producing noise in excess of 70 decibels shall be located at least 100 feet from any residentially zoned property.
- **c.** Vehicles or materials stored on-site shall be stored within a building or under a structure.
- **d.** The entire facility shall be surrounded by a fence at least six (6) feet in height, except where the facility is secured and constructed of brick or concrete.
- **e.** Where the facility is surrounded by a fence, access to the facility shall be gated, and all gates shall be closed and secured except as necessary to operate the facility.
- **f.** Outdoor storage shall be allowed in the H-I district.

## 7.4 Accessory Uses

### 7.4.1 General Standards for All Accessory Uses

Accessory uses are the subordinate uses found on the same lot as a principal use. Accessory structures are also considered accessory uses. The accessory uses allowed in each zoning district within the Town of Siler City are listed in Table 7.7 Permitted Common Accessory Uses. Common Accessory Uses.

**A. Procedure for Establishment**

**1.** Accessory uses or structures may be approved in conjunction with the approval of the principal use or subsequently following the establishment of the principal use through the approval of a zoning permit or special use permit, as specified in Table 7.7. No accessory use or structure shall be approved, established, or constructed before a principal use is approved and established in accordance with this Ordinance.

**2.** All accessory uses which are proposed to be allowed in a Planned Unit Development shall be noted in the master plan documents for the PUD.

**B. Nature of Accessory Uses and Structures**

Accessory uses and structures shall be clearly incidental and subordinate to the allowed principal use(s) on a site in both purpose and size. Accessory structures and uses are only permitted on lots where a principal use has been established.

**C. Location of Accessory Uses and Structures**

**1.** Except for fences and walls contributing to the screening function of a bufferyard, no accessory use or structure shall be located within a required landscaping area.

**2.** Accessory structures shall be located at least five (5) feet from the rear property line, and shall meet the side setback for principal structures in the underlying zoning district except as otherwise indicated.

**3.** Accessory structures taller than fifteen (15) feet shall meet all principal building setback requirements of the underlying zoning district.

**4.** All accessory buildings and structures shall be located to the side or rear of the principal building on the lot, except that accessory structures located on lots equal or greater to two and a half (2 ½) acres may be allowed in front of principal buildings which are set back at least 100 feet from the street right-of-way, as long as said accessory structures are also set back at least 100 feet from the street right-of-way.

**5.** No accessory use or structure shall be located within a designated fire lane; obstruct required sight distance triangles; impede ingress or egress to the lot or principal structure on the lot; or interfere with drainage, stormwater, or erosion control devices.

**6.** No accessory use or structure shall be located within any platted or recorded easement without the prior written consent of the easement holder.

**D. Timing of Establishment**

Except for construction-related activities or structures, no accessory use or structure shall be established on a lot or site prior to the establishment of a principal use. However, nothing shall limit the properly permitted establishment of a temporary use per Section 7.5 (Temporary Uses), on a lot or site that does not contain a principal use.

**E. Accessory Structure Height**

Except as otherwise indicated, the maximum height of an accessory structure shall not exceed twenty-five (25) feet when measured from the lowest adjacent grade to the highest point of the roof.

**F. Lot Coverage**

**1.** The maximum total lot coverage of all accessory structures on a lot shall not exceed five (5) percent of the total area of the lot, except that a minimum of 600 square feet shall be allowed regardless of lot size, provided total lot coverage does not exceed the allowances of Chapter 11 (Water Management).

**2.** Accessory structures shall be included in the calculation of maximum allowable lot coverage in determining compliance with Chapter 11 (Water Management).

**G. Utilities**

Water, sanitary sewer, gas, and electric utility connections shall be provided via branching service from the principal structure on the lot rather than via separate connections. The Town Commissioners may approve separate utilities connections via the Special Use Permit process where the Commissioners determine such connections are appropriate.

### 7.4.2 Table of Permitted Accessory Uses

The accessory uses allowed in each zoning district within the Town of Siler City are listed in Table 7.7 Permitted Common Accessory Uses. The table indicates whether the accessory use is permitted by right (denoted by the letter "P"), permitted with a special use permit (denoted by the letter "S"), or prohibited within a zoning district (denoted by an empty cell). The Standards column indicates the Section reference for any relevant use-specific standards.

**Table 7.7 Permitted Common Accessory Uses**

P = Permitted, subject to any applicable use standards
C = Permitted via conditional rezoning
S = Permitted, subject to the standards of Section 4.4 (Special Use Permits...), the standards of Chapter 6 and the use standards of this Chapter.

| Use Type | A-R | R-20 | R-10 | R-6 | R-3 | R-MH | C-C | B-1 | G-C | H-C | O-I | L-I | H-I | PUD | Std |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | |
| Accessory Dwelling Unit, Attached | P | P | P | P | P | | | | | | | | | C | 7.4.3.A |
| Accessory Dwelling Unit, Detached | P | P | P | P | P | | | | | | | | | | 7.4.3.B |
| Amateur Communications Equipment | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.4.3.D |
| Automated Teller Machine | | | | | | | P | P | P | P | | | | C | 7.4.3.E |
| Child or Adult Care, Incidental | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.4.3.F |
| Detached Garage or Carport | P | P | P | P | P | P | | | | | | | | C | 7.4.3.G |
| Dish Antenna (Large) | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.4.3.H |
| Drive-Through | | | | | | | P | P | P | P | P | | | C | 7.4.3.I |
| Electric Vehicle Charging Station (available to the public) | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.4.3.J |
| Family Health Care Structure | P | P | P | P | P | P | | | | | | | | C | 7.4.3.K |
| Greenhouse | P | P | P | P | P | P | | | | | | | | C | |
| Guard House or Gatehouse | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.4.3.L |
| Home Occupation | P | P | P | P | P | P | P | P | P | P | | | | C | 7.4.3.M |
| Keeping of Domestic Chickens on Residential Properties | P | P | P | P | P | P | | | | | | | | C | 7.4.3.C |
| Outdoor Display or Sales | | | | | | | | | P | P | | P | P | C | 7.4.3.N |
| Outdoor Storage, Nonresidential | | | | | | | | | P | P | | P | P | C | 7.4.3.O |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Recycling Convenience Site | S | S | S | S | S | S | P | P | P | P | P | P | P | C | 7.4.3.P |
| Solar Energy System (Small-Scale) | P | P | P | P | P | P | | | | | | | | C | 7.4.3.Q |
| Storage Structure | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.4.3.R |
| Private Swimming Pool | P | P | P | P | P | P | | P | P | P | P | | | C | 7.4.3.S |

### 7.4.3 Standards Applicable to Common Accessory Uses

**A. Accessory Dwelling Unit, Attached**

An attached accessory dwelling unit (ADU) is permitted as accessory to a single-family detached dwelling in accordance with the following standards:

**1.** No more than one (1) attached ADU shall be allowed per single-family detached dwelling and the ADU must be located on the same lot as said single-family dwelling. Only one ADU of any type shall be allowed per zoning lot;

**2.** An attached ADU shall meet the setback requirements for principal structures in the underlying zoning district;

**3.** An attached ADU shall be no larger than fifty (50) percent of the finished floor area of the principal dwelling on the site, but in no case shall be larger than 1,500 square feet, and;

**4.** An attached ADU shall have at least one dedicated off-street parking space.

**5.** A home occupation meeting the requirements of Subsection 7.4.3.M (Home Occupation), may be conducted within an attached ADU.

**B. Accessory Dwelling Unit, Detached**

A detached accessory dwelling unit (ADU) is permitted as accessory to a single-family detached dwelling in accordance with the following standards:

**1.** No more than one (1) detached ADU shall be allowed per single-family detached dwelling and the ADU must be located on the same lot as said single-family dwelling. Only one ADU of any type shall be allowed per zoning lot;

**2.** A detached ADU less than fifteen (15) feet tall shall be set back at least five (5) feet from any side or rear property line. Detached ADUs with a height of seventeen (17) feet or greater shall meet the setback requirements for principal structures in the underlying zoning district;

**3.** A detached ADU shall be no larger than fifty (50) percent of the finished floor area of the principal dwelling on the site, except that a minimum size of 500 square feet shall be required regardless of the size of the principal dwelling;

**4.** In no case shall a detached ADU be larger than 1,500 square feet;

**5.** The requirements of Subsections 3 and 4 shall not apply to detached ADUs in the A-R District.

**6.** A detached ADU shall be located to the side or rear of the principal dwelling on the site;

**7.** A detached ADU shall have at least one dedicated off-street parking space, and;

**8.** A detached ADU shall be built on a permanent foundation, and the use of recreational vehicles, travel trailers, campers, and the like as ADUs shall be prohibited.

**9.** A home occupation meeting the requirements of Subsection 7.4.3.M (Home Occupation), may be conducted within a detached ADU.

**C. Keeping of Domestic Chickens on Residential Properties**

**1.** Owners must reside on the property where the keeping of chickens is an accessory use. All chickens must be kept in fenced enclosures. No chickens shall be permitted to roam loose.

**2.** The permit application must include a plot plan that shows the location and dimensions of the chicken coop and chicken pen, and their distance from the property lines.

**3.** The minimum lot size for the keeping of chickens as an accessory use shall be 6,000 sq. ft.

**4.** A maximum of 6 hens is allowed, and roosters are prohibited.

**5.** Chicken manure and compost using chicken manure shall not be sold or otherwise distributed.

**6.** Chickens Shall be Enclosed. A chicken coop and pen shall be provided, and such coops and enclosures may not include residential structures or garages. Chickens shall be secured in the chicken coop during non-daylight hours. During daylight hours, chickens may be located in the chicken pen.

**a. Location.** Chicken coops and pens (whether stationary or movable) shall only be located in rear yards, and shall be set back a minimum of fifteen (15) feet from any side and rear property lines.

**b. Construction and Design.** The chicken coop, and pen shall be properly designed and constructed to provide adequate security from rodents, wild birds, and predators; sufficient ventilation; and suitable shelter for the hens.

**c. Maintenance.** The chicken coop, chicken pen, and surrounding area shall be cleaned of hen droppings, uneaten feed, feathers, and other waste, and shall be kept in a neat and sanitary condition at all times to preclude odors and aesthetic nuisances. Chicken feed shall be stored in a secure container.

**1)** All necessary actions to reduce the attraction of predators and rodents and the potential infestation of insects and parasites shall be performed.

**2)** All manure, uneaten feed, and other trash shall be removed in a timely manner and properly disposed of in a sanitary manner.

**7.** On-site slaughter of chickens for personal consumption shall not be visible from adjacent properties or roadways. . The remains of chickens shall be promptly placed into a plastic bag, closed securely and disposed of with household waste.

**D. Amateur Communications Equipment**

Amateur radio antennas shall comply with Section 160D-905 of the North Carolina General Statutes and the following standards:

**1.** Towers associated with an amateur ham radio operator or private television antenna shall not exceed 100 feet above grade;

**2.** Towers or antennas attached to a principal structure shall be attached to the side or rear of the building, and;

**3.** Freestanding towers or antennas shall be located to the rear of the principal structure on the site.

**E. Automated Teller Machine**

**1.** If an Automated Teller Machine (ATM) is designed for use by customers in their vehicles, it shall comply with the accessory use standards of Subsection 6.3.5 (Drive-Through Stacking Lanes).

**2.** The materials and architectural character of the ATM shall be compatible with that of the principal structure on the site.

**F. Child or Adult Care, Incidental**

An incidental child or adult care is permitted as an accessory use to an occupied residential dwelling unit if it complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.

**G. Detached Garage or Carport**

**1.** Detached garages and carports are permitted in all zoning districts.

**H. Dish Antenna (Large)**

Dish antennas of less than one (1) meter in diameter are exempted from the requirements of this Ordinance; dish antennas greater than one (1) meter in diameter shall comply with the following standards:

**1. General Requirements**

**a.** A zoning permit is required when installing, moving, constructing, or reconstructing dish antennas subject to these standards.

**b.** Dish antennas subject to these standards shall be installed on the ground and shall not be attached to a building.

**c.** A dish antenna shall not be installed or located within any public right-of-way or in any drainage or utility easement.

**2. Location and Setback Requirements**

**a.** A dish antenna shall be located to the side or rear of the principal structure on the lot.

**b.** A dish antenna shall be subject to the setback requirements for principal buildings within the underlying zoning district.

**3. Height Requirements**

A dish antenna shall be no taller than the principal structure on the lot.

**4. Screening Requirements**

A dish antenna shall be screened so that the view of the lower two-thirds (2/3) of the dish and mounting pole are blocked from view of all public streets.

**I. Drive-Through**

Drive-through facilities shall comply with the following standards:

**1.** Outdoor speakers associated with a drive-through shall be at least fifty (50) feet from any lot in a residential zoning district;

**2.** Drive-through windows, menu boards, or order boxes shall not be located within a required setback;

**3.** Drive-through windows shall include stacking spaces in accordance with Subsection 6.3.5 (Drive-Through Stacking Lanes), and;

**4.** Drive-through facilities shall not obstruct the movement of pedestrians along sidewalks, through areas intended for public use, or between building entrances and customer parking spaces.

**5.** Drive-through facilities shall be so situated so as to prevent light pollution into existing adjacent development.

**J. Electric Vehicle Charging Station (available to the public)**

**1.** Electric vehicle (EV) charging station spaces shall be reserved for the charging of electric vehicles only and shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles; amperage and/or voltage levels; any usage time limits or tow-away provisions, and; contact information for reporting non-functional equipment or other problems.

**2.** Any EV charging equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation, or required landscaping.

**3.** Electrical transformers and similar equipment shall be screened in accordance with Subsection 6.2.15 (Outdoor Storage Area Screening).

**K. Family Health Care Structure**

**1.** One (1) family health care structure meeting the standards of Section 160D-915 of the North Carolina General Statutes shall be allowed per single-family detached dwelling.

**2.** The family health care structure must be located on the same lot as said single-family dwelling.

**3.** Any family health care structure shall be removed within 60 days of when the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for by G.S. 160D-915. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used or may be reinstated on the property within 60 days of its removal, as applicable.

**L. Guard House or Gatehouse**

A guard house or gatehouse shall be allowed within a required yard or setback, provided it complies with the following standards:

**1.** The guard house or gatehouse shall have a maximum floor area of 100 square feet;

**2.** The guard house or gatehouse shall have a maximum height of fifteen (15) feet;

**3.** The guard house or gatehouse is located outside any required sight-distance triangles, and;

**4.** The guard house or gatehouse is located a minimum of five (5) feet from any public street right-of-way.

**M. Home Occupation**

A home occupation is permitted accessory to any dwelling unit pursuant the following standards:

**1.** The issuance of a zoning permit shall be required;

**2.** Only one (1) home occupation may exist on a lot at any time;

**3.** The home occupation must be clearly incidental to the residential use of the dwelling unit and shall not change the essential residential character of the dwelling;

**4.** The home occupation must employ no more than one (1) person who is not a resident of the dwelling;

**5.** A home occupation may be located in the principal structure on the lot or in an accessory structure meeting the standards of this Section;

**6.** Where a home occupation is located within the principal structure on the lot, it must occupy no more than thirty-three (33) percent of its total square footage;

**7.** No outside display or storage of materials used in conjunction with the home occupation shall be allowed;

**8.** Permitted home occupations include, but are not limited to typing services, telephone sales, barber/beauty services, doctor/dentist offices, other professional offices, music and art lessons, day care of five (5) or fewer persons, catering, and handcrafting;

**9.** The home occupation shall not utilize mechanical, electrical, or other equipment which create nuisances for adjacent properties including smoke, odor, dust, noise, or health hazards, and;

**10.** No business identification or advertising signs shall be permitted, except that one non-illuminated four (4) square foot sign may be allowed. Such sign may either be a wall sign or freestanding sign.

**N. Outdoor Display or Sales**

The outdoor display or sale of goods shall be allowed within any development that permits nonresidential uses and shall comply with the following standards:

**1.** Permanent outdoor display areas shall be screened according to the requirements of Section 6.2.15 (Outdoor Storage Area Screening);

**2.** Temporary outdoor display or sales areas are permitted without screening provided products are removed at the end of every day;

**3.** Outdoor display or sales areas shall not encroach into any required setback;

**4.** Outdoor display or sales areas shall not be located closer than five (5) feet from any property line, and;

**5.** Outdoor display or sales areas shall not be located within any required sight distance triangles.

**O. Outdoor Storage, Nonresidential**

The Accessory use outdoor storage shall include all goods and materials not returned to an enclosed building at the end of each business day, except where such goods or materials meet the description of outdoor display or sales in this Ordinance.

**1.** Outdoor storage may include up to two (2) storage trailers placed on a single lot.

**P. Recycling Convenience Site**

Such facilities shall only be operated by a local government or non-profit organization, and shall be accessory to a school, fire station, or other government facility.

**Q. Solar Energy System (Small-Scale)**

A small-scale solar energy system (SES) shall comply with the following standards:

**1.** An SES may be roof-mounted, ground-mounted, attached to a principal or accessory structure, or placed over a parking area;

**2.** The footprint of a ground-mounted SES shall not exceed 35 percent of the footprint of the principal structure on the lot, or half an acre, whichever is less;

**3.** An SES shall comply with the setback requirements for principal structures for the zoning district where the SES is located;

**4.** An SES shall not obscure any required sight distance triangles, and;

**5.** A ground-mounted SES shall not exceed twenty (20) feet in height.

**R. Storage Structure**

Placement of a permanent storage structure shall require issuance of a zoning permit and shall comply with the standards of Subsection 7.4.1 (General Standards for all Accessory Uses).

**S. Private Swimming Pool**

**1.** Private swimming pools shall be located on the same zoning lot as a residential dwelling and shall be located to the side or rear of said dwelling.

**2.** Private swimming pools shall conform to the general dimensional requirements for accessory structures of Subsection 7.4.1 (General Standards for all Accessory Uses).

**3.** Private swimming pools shall be fenced in accordance with the NC Building Code.

## 7.5 Temporary Uses

### 7.5.1 General Standards for All temporary Uses and Structures

Temporary uses are structures or activities permitted for a limited period of time on a particular lot. The temporary uses allowed in each zoning district within the Town of Siler City are listed in Table 7.8 Permitted Temporary Use.

**A. General Requirements.** An applicant proposing a temporary use or structure shall:

**1.** Secure written permission from the landowner;

**2.** Obtain the appropriate permits and licenses from the Town and other agencies;

**3.** Comply with the applicable requirements for signs in Chapter 6, if signage is proposed;

**4.** Meet public utility requirements for proper connection to water, sewer, electrical and other utility service connections, as applicable;

**5.** Not violate the applicable conditions of approval that apply to a site or use on the site;

**6.** Not result in a situation where the principal use, if present, fails to comply with the standards of this Ordinance;

**7.** Ensure the site of a temporary use or structure contains sufficient land area for the temporary use and for the parking and traffic movement associated with the temporary use, without impacting environmentally sensitive lands; and

**8.** Provide adequate on-site restroom facilities as appropriate)

**B. General Conditions**

In approving a temporary use, the Zoning Administrator is authorized to impose any of the following general conditions as may be necessary to reduce or minimize any potential adverse impacts upon other property in the area, as long as the condition relates to a situation created or aggravated by the proposed temporary use:

**1.** Provision of temporary parking facilities, including vehicular access;

**2.** Control of nuisance factors, such as but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;

**3.** Prohibition of the storage or use of hazardous materials;

**4.** Regulation of placement, height, size, and location of equipment;

**5.** Provision of sanitary and medical facilities;

**6.** Provision of solid waste collection and disposal;

**7.** Provision of security and safety measures;

**8.** Use of an alternate location or date;

**9.** Modification or elimination of certain proposed activities;

**10.** Regulation of operating hours and days, including limitation of the duration to a shorter time period than requested or specified in this Subsection; and

**11.** Submission of a performance guarantee to ensure that any temporary use will be removed from the lot or site within a reasonable time and the lot or site will be restored to its former condition.

**C. Duration**

Temporary uses and structures subject to the standards of this Section shall comply with the maximum duration requirements in Table 7.8.

### 7.5.2 Table of Permitted Temporary Uses

| Table 7.8 Permitted Temporary Uses | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted, subject to any applicable use standards<br>C = Permitted via conditional rezoning<br>/#/ = Table note at end of table | | | | | | | | | | | | | | | | |
| **Use Type** | **Maximum Duration** | **A-R** | **R-20** | **R-10** | **R-6** | **R-3** | **R-MH** | **C-C** | **B-1** | **G-C** | **H-C** | **O-I** | **L-I** | **H-I** | **PUD** | **Std** |
| | | | | | | | | | | | | | | | | |
| Food Truck | Must be removed each day | | | | | | | P | P | P | P | P | | | C | 7.5.3.A |
| Horse or Pet Show | Limited to 72 hours per parcel for up to 3 times per year | P | P | | | | | P | P | P | P | P | P | P | C | 7.5.3.B |
| Itinerant Merchant Sales | 45 days per development per year | P | | | | | | P | P | P | P | P | P | P | C | 7.5.3.C |
| Outdoor Seasonal Sales | 45 days per development per year | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.5.3.D |
| Portable Storage Container | Up to 90 consecutive days, two times per year, per parcel | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.5.3.E |
| Public Event | 21 days per event | P | P | P | P | P | P | P | P | P | P | P | P | P | C | |
| Special Event | 7 days per parcel, up to 4 separate events per year | P | | | | | | P | P | P | P | P | P | P | C | 7.5.3.F |
| Temporary Accessory Educational Structure | 12 months /2/ | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.5.3.H |
| Temporary Disaster Housing | Up to 18 months | P | P | P | P | P | P | P | P | P | P | P | | | C | 7.5.3.I |
| Temporary Dwelling | Must be removed within 60 days of the principal residential dwelling on the property becoming habitable | P | P | P | P | P | P | | | | | | | | C | 7.5.3.J |
| Temporary Construction Office | Must be removed within 60 days of issuance of the | P | P | P | P | P | P | P | P | P | P | P | P | P | C | 7.5.3.K |

| Table 7.8 Permitted Temporary Uses | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| P = Permitted, subject to any applicable use standards<br>C = Permitted via conditional rezoning<br>/#/ = Table note at end of table | | | | | | | | | | | | | | | | |
| **Use Type** | **Maximum Duration** | **A-R** | **R-20** | **R-10** | **R-6** | **R-3** | **R-MH** | **C-C** | **B-1** | **G-C** | **H-C** | **O-I** | **L-I** | **H-I** | **PUD** | **Std** |
| | final certificate of occupancy for the construction project | | | | | | | | | | | | | | | |
| Temporary Real Estate Office | Completion of sales or 12 months /2/ whichever is shorter | P | P | P | P | P | P | | | | | | | | C | 7.5.3.L |
| Temporary Wireless Telecommunications Facility | 14 days /1/ | | | | | | | P | P | P | P | P | P | P | C | 7.5.3.M |
| NOTES:<br>/1/ Permit is renewable up to three times per year.<br>/2/ Permit is renewable for successive 12-month periods. | | | | | | | | | | | | | | | | |

**Sec. 7.5.3 Standards for Specific Temporary Uses and Structures.**

**A. Food Truck.**

**1. Location**

**a.** Food trucks may not be operated in agricultural or residential districts unless invited to serve the residents of a particular neighborhood or development."

**b.** Food trucks shall not be parked within any public street, right-of-way, or sidewalk unless the operator has received written permission from the Town of Siler City or NCDOT.

**c.** Food trucks shall not interfere with the required minimum number and area of parking spaces, driveways, and drive aisles.

**d.** Food trucks shall be removed after operating hours or a special event and be stored in a legally permissible location.

**e.** Food trucks operating between the hours of 8AM and 5PM shall not be parked in an on-street parking space for more than three consecutive hours unless the street has been closed for a special event and the operator has received written permission from the Town of Siler City or NCDOT.

**f.** Food sales shall not impede pedestrian traffic along the sidewalk.

**2. Operation**

**a.** The food truck operator or designee shall be present at all times except in case of emergency.

**b.** Food trucks shall not open prior to 7AM and shall not close later than 9PM except for during special events.

**c.** Food trucks shall either sell food or beverages that are exempt from health

department regulation or shall obtain approval from the Chatham County Health Department.

**d.** Food truck operators are responsible for the proper disposal of waste and trash associated with operation. Operators shall remove all waste and trash from their location at the end of each day or as needed to maintain the health and safety of the public.

**e.** Operators shall keep all areas within ten (10) feet of the truck clean of grease, trash, paper, cups, or cans associated with the operation. No liquid waste or grease shall be disposed of into tree pits, storm drains, or onto the streets, sidewalks, or other public locations.

**3. Associated Features**

**a.** No audio amplifier or similar device shall be used to attract the attention of the public.

**b.** No tables, chairs, or other structures shall be allowed outside of the food truck.

**c.** Advertising consisting of business name, logo, and items available for sale may be displayed on the food truck. No other form of advertising shall be permitted.

**B. Horse or Pet Show**

**1.** The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site.

**2.** The amount of noise generated shall not disrupt the activities of the adjacent land uses.

**3.** The applicant shall submit a plan to the Zoning Administrator showing how the parking generated by the show can be accommodated without undue disruption to or interference with the normal area traffic flow.

**C. Itinerant Merchant Sales**

Itinerant merchant sales, not including food truck vendors, are permitted on lots in non-residential and PUD districts, subject to the following standards:

**1.** The sale of merchandise, products, or material must be a permitted principal use in the zoning district where the sales are temporarily located;

**2.** Itinerant merchant sales shall be located outside of street rights-of-way, required sight distance triangles, required landscape areas, and vehicular circulation areas;

**3.** All merchandise and related materials shall be removed from the site following the sale, and;

**4.** Itinerant merchant sales shall not take place prior to 7AM and shall not cease later than 10PM.

**D. Outdoor Seasonal Sales**

Outdoor seasonal sales are permitted in all zoning districts, subject to the following standards:

**1.** Seasonal sales shall be limited to seasonal agricultural products such as Christmas trees, pumpkins, and living plants;

**2.** Outdoor seasonal sales shall not take place prior to 7AM and shall not cease later than 10PM, except when located in a residential district, where sales shall cease by 9PM;

**3.** Exterior lighting shall comply with the requirements of Section 6.5 (Lighting Requirements and Standards), and;

**4.** The on-site accessory sale of seasonal products in association with an agricultural or retail use is not considered Outdoor Seasonal Sales and is not subject to these standards.

**E. Portable Storage Container**

Portable storage containers may be permitted as a temporary use to a residential principal use except for individual multifamily dwelling units, subject to the following standards:

**1. Types Distinguished**

**a.** Containers used for the purposes of storing personal property such as household items being temporarily stored or relocated;

**b.** Roll-off boxes, bins, or dumpsters used for the collection and hauling of waste or debris, and;

**c.** Fully enclosed, non-motorized trailers (commonly known as "semi-trailers") with wheels intended to be towed to a site for the purpose of storage or transport of goods, materials, or equipment.

**2. Permit Required**

A building permit shall not be required for a portable storage container, but a temporary use permit is required.

**3. Exemptions**

The standards in this Section shall not apply to portable storage containers used as temporary construction trailers, construction dumpsters, or construction materials recycling facilities, provided construction on-site is ongoing.

**4. Maximum Size**

Containers shall be no larger in dimension than eight (8) feet in height, eight (8) feet in width, and twenty (20) feet in length.

**5. Maximum Number**

No more than two (2) portable storage containers shall be located on a single parcel of land simultaneously.

**6. Hazardous Substances**

Portable storage containers shall not be used to store or transport non-residential materials and substances, including but not limited to solid waste; hazardous materials; explosives; or unlawful substances and materials.

**7. Location**

**a.** A portable storage container may be located on a driveway, within a designated parking area, or to the rear of the primary structure on the site.

**b.** If site conditions make placement of the portable storage container according to the conditions described above impracticable, then the portable storage container may be located immediately adjacent to the driveway or designated parking area on bare earth or grass;

**c.** In no instance shall a portable storage container be located within a street right-of-way or in a location that poses a threat to public health or safety.

**F. Special Event**

1. The hours of operation allowed shall be compatible with the land uses adjacent to the proposed site.
2. The amount of noise generated shall not disrupt the activities of the adjacent land uses.
3. The applicant shall submit a plan to the Zoning Administrator showing how the parking generated by the special event can be accommodated without undue disruption to or interference with the normal area traffic flow.

**G. Shelter, Temporary**

1. Any temporary shelter shall meet all building code requirements.
2. Regardless of whether this use occurs within a permanent or temporary structure, no temporary shelter shall operate on any given site for more than 180 days per year.

**H. Temporary Accessory Educational Structure**

Manufactured structures may be allowed as temporary classroom units where such units are approved by the NC Department of Insurance. The zoning administrator shall issue temporary use permits for 12 months, renewable for successive 12-month periods where the structure is found to still be in compliance with all applicable ordinance requirements.

**I. Temporary Disaster Housing**

**1.** Recreational Vehicles

A property owner may be issued a temporary use permit for a recreational vehicle provided by the Federal Emergency Management Agency (FEMA), or other governmental agency to be placed temporarily on a lot with an existing single-family dwelling provided that the recreational vehicle is occupied by residents of the on-site single-family dwelling which is under repair.

**2.** Manufactured Homes

**a.** Permits for temporary disaster housing provided by FEMA or another governmental agency may be issued for the placement of manufactured homes on lots with an existing single-family dwelling regardless of zoning district.

**b.** The property owner or a licensed contractor shall request the permit for the manufactured home.

**c.** Manufactured homes shall meet all HUD Code requirements.

**d.** Manufactured homes shall be placed in the rear yard unless placement in the front or side yard is approved by the Zoning Administrator and said placement does not violate applicable setbacks, restrict sufficient driveway access, and is not over existing septic systems or drain fields.

**e.** The manufactured home shall be removed from the property within forty-five (45) days of re-occupancy of the permanent home on site.

**f.** The manufactured home shall be connected to municipal water and sewer systems or to a functional well and/or septic system as approved by the Chatham County Health Department.

**g.** Manufactured homes shall be located in compliance with the floodplain protection requirements of Chapter 11 (Water Management).

**J. Temporary Dwelling**

**1.** Temporary dwellings shall be allowed in association with the reconstruction, repair, or renovation of the principal residential dwelling on a site, and shall expire six (6) months after the date of permit issuance. The zoning administrator may renew such permit for an additional six (6) months as necessary to allow for the completion of any reconstruction, repair, or renovation work necessary to make the principal residential dwelling on the site habitable.

**2.** Temporary dwellings shall be removed within 60 days of the principal dwelling on the property becoming habitable.

**3.** Only one (1) temporary dwelling shall be allowed per lot.

**4.** Temporary dwellings shall meet the minimum housing standards of the Town of Siler City.

**5.** Temporary dwellings shall not count towards impervious coverage or residential density limits.

**6.** Temporary dwellings shall be exempt from the following requirements:

**a.** minimum lot size

**b.** minimum lot width

**c.** building setback requirements

**d.** accessory structure location restrictions

**7.** Manufactured homes for temporary dwellings shall be exempt from complying with the requirements of Subsection 7.3.58 (Manufactured Dwelling).

**K. Temporary Construction Office**

A temporary construction office shall comply with the following standards:

**1.** Any signage shall comply with the applicable standards of Section 6.1 (Sign Standards).

**2.** The temporary construction office shall be removed within sixty (60) days after issuance of the final certificate of occupancy is issued for the construction project.

**L. Temporary Real Estate Office**

A temporary real estate office shall comply with the following standards:

**1.** The office is located on a lot that is part of the real estate development being marketed;

**2.** Any signage shall comply with the applicable standards of Section 6.1 (Sign Standards);

**3.** The office complies with the dimensional requirements of the zoning district in which it is located, and;

**4.** The temporary office shall be converted into a dwelling or removed within sixty (60) days after all units within the development are sold or leased.

**M. Temporary Wireless Telecommunications Facility**

A temporary wireless telecommunications facility shall comply with the following standards:

**1.** A temporary wireless telecommunications facility may be allowed on a lot after a disaster or other emergency for a period not to exceed 14 days, except that the temporary use permit may be renewed where good cause is shown;

**2.** A temporary wireless telecommunications facility may be allowed on a lot to evaluate the technical feasibility of the site for a period not to exceed 14 days, except that the temporary use permit may be renewed where good cause is shown;

**3.** A temporary wireless telecommunications facility may be allowed on a lot in association with an event where the anticipated demand cannot be handled by existing facilities for a period not to exceed 14 days, and;

**4.** A temporary wireless telecommunications facility may be allowed on a lot with an existing permanent wireless telecommunications facility where the permanent structure is undergoing reconstruction or maintenance and the temporary facility is needed to maintain sufficient levels of service. The temporary facility shall be removed after reconstruction or maintenance is complete and service restored on the permanent structure.

## 7.6 Classification of New or Unlisted Uses

**A.** Where a use is not listed in any of the permitted use tables (Tables 7.6, 7.7, and 7.8) the Zoning Administrator shall make a determination regarding the permissibility of the use in accordance with this Section. The most recent version of the North American Industry Classification System (NAICS) manual may be used in the Zoning Administrator's use determination process.

**B.** Uses that are determined to meet the requirements of Subsection 7.3.1 D (Prohibited Uses) shall be prohibited.

**C.** The Zoning Administrator's use determination may be appealed to the Board of Adjustment in accordance with the procedures of Subsection 4.4 (Special Use Permits, Variances, Appeals, and Interpretations).

**D.** The Zoning Administrator shall provide a determination pursuant to Subsection 4.8 (Development Approvals and Notice of Determination) regarding the classification of any new or unlisted use and whether it shall be allowed within a specific zoning district. In making this determination, the Zoning Administrator shall consider all relevant characteristics of the proposed use, including but not limited to the following:

**1.** The classification of the most similar use in the most current version of the North American Industry Classification System (NAISC);

**2.** The actual or projected characteristics of the proposed use;

**3.** The volume and type of sales projected for commercial uses;

**4.** The size and type of items sold and nature of inventory on the premises;

**5.** The hours of operation, type, and number of customers and employees;

**6.** The amount of parking needed and estimated traffic for the proposed use;

**7.** The presence of any processing of goods or materials on-site, including assembly, manufacturing, warehousing, shipping, and distribution;

**8.** The presence of any dangerous, hazardous, toxic, or explosive materials used or stored on the premises;

**9.** The nature and location of indoor or outdoor storage or display of merchandise (such as business vehicles, work-in-process inventory and merchandise, construction materials, scrap or junk, and raw materials);

**10.** The amount and nature of any nuisances generated by the proposed use, included but not limited to, noise, smoke, odor, glare, vibration, dust, fumes, toxic material, or other emissions which may be deemed objectionable;

**11.** The impact of Chapter 11 (Water Management); and

**12.** The possible effect(s) the proposed use may have on nearby properties, which should not be greater than those of other uses permitted in the zoning district.

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# Chapter 8 Subdivision Regulations

## 8.1 Subdivisions Generally

### 8.1.1 Purpose and Authority

**A.** Pursuant to authority granted by G.S. 160D-801, the purpose of this Chapter is to promote the public health, safety, and general welfare by providing for the orderly subdivision of land in the Town of Siler City. Among other reasons, this Chapter is deemed necessary to:

**1.** assure the appropriate layout and use of land;

**2.** provide safe, convenient, and economic circulation of vehicular traffic;

**3.** provide for the dedication and reservation of street rights-of-way, utility easements, and public facility sites, including the dedication of rights-of-way pursuant to G.S. 136-66.10 and 136-66.11.

**4.** assure the proper installation of streets and utilities;

**5.** avoid undue concentrations of population; and

**6.** insure proper legal description, identification, documentation, and recordation of property boundaries.

### 8.1.2 Applicability

**A.** Application of Chapter

**1.** Unless exempted under G.S. 160D-802 (see Subsection B. below), this Chapter shall be applicable to 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, and shall include all divisions of land involving the dedication of a new street or a change in existing streets.

**2.** No lot or plat within the Town of Siler City's zoning jurisdiction and subject to the subdivision regulations shall be created or transferred, nor shall a plat or record thereof be recorded by the Chatham County Register of Deeds, until a final plat of the subdivision has been submitted to and approved by the appropriate authority. Such approval shall be indicated on the face of the plat and signed by the Siler City Planning Director or designee.

**3.** The Register of Deeds shall not file a plat or record of subdivision of land within the Town's jurisdiction, nor shall the Clerk of Superior Court order such recording without the required certification and signature of the Planning Director or designee.

**4.** The approval of a plat pursuant to this Chapter shall not be deemed to constitute or affect the acceptance by the Town or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. The developer shall be responsible for maintenance of those areas offered for dedication until such time as the dedication is accepted by the Town.

**B.** Exempt Subdivisions. The following shall not be included nor be subject to the regulations prescribed by this Chapter:

**1.** The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town as described herein;

**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;

**4.** The division of a tract in single ownership, the entire area of which is no greater than two 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 this Ordinance; and

**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 NC General Statutes.

Plats not subject to the provisions of this Chapter may be recorded provided the owner desiring to record such plats shall obtain a Certificate of Exemption from the Planning Director or designee and shall present such certificate to the Chatham County Register of Deeds as proof that one of the conditions of exception noted above is present.

**C.** Approval Required for Zoning Permit. No zoning permit shall be issued for the erection of any building on any lot within a subdivision unless a final plat of such subdivision has been approved as required by this Chapter or a certificate of exemption obtained, provided, however, that this shall not apply to any subdivision recorded by the Register of Deeds prior to the effective date of this Chapter.

### 8.1.3 Legal Provisions

**A.** Penalties for Transferring Lots in Unapproved Subdivision. Any person who, being the owner or agent of the owner of any land located within the subdivision regulation jurisdiction of the Town of Siler City who subdivides such land in violation of this Chapter or transfers or sells any part of such land by reference to, exhibition of, or any other use of a plat showing a subdivision of land before such plat has been properly approved under the provisions of this Chapter and recorded in the office of the Chatham County Register of Deeds, shall be subject to civil penalties.

This Chapter may also be enforced by injunction, order of abatement or other equitable remedy upon application to the General Court of Justice. Zoning permits required pursuant to G.S. 160D-1110 may be denied for lots that have been illegally subdivided.

**B.** State Platting and Disclosure Statement Requirement. All developers planning to sell lots not platted and recorded prior to October 1, 1975, should consult G.S. 136-102.6 “Compliance of Subdivision Streets with Minimum Standards of the Board of Transportation,” which requires that all new streets, whether public or private, and all other changes in streets be platted. G.S. 136-102.6 also requires the developer to furnish to each lot purchaser a Subdivision Streets Disclosure Statement revealing the status of new streets, whether they are constructed to N.C. Department of Transportation or Town of Siler City standards, and who will bear maintenance responsibility

for the streets. No provision of this Chapter or of any other local Ordinance shall exempt a division of land from the provisions of G.S. 136-102.6.

### 8.1.4 General Requirements

**A.** Compliance with Official Plans and Ordinances. Land shall be subdivided in compliance with the Town's Unified Development Ordinance and other pertinent official land use plans and ordinances.

**B.** Water Management.

**1.** All subdivisions shall comply with the stormwater, watershed and floodplain regulations of Chapter 11 (Water Management)

**2.** Lots located entirely in the flood plain shall not be sold for residential purposes.

**3.** Where possible, streets should be located outside of watershed critical areas and watershed vegetated conveyance areas. Streets constructed within these areas shall be designed and constructed to minimize their impact on water quality.

**4.** Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, two (2) copies of the plat and supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board. The Watershed Administrator shall review completed applications for subdivisions and shall either approve, approve conditionally or disapprove each application. If the Watershed Administrator approves the application, such approval shall be indicated on both copies of the plat by the appropriate certificate in Chapter 8 (Subdivision Regulations) and signed by the Watershed Administrator. If the Watershed Administrator disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and entered in the minutes. The subdivider may make changes and submit a revised plan, which shall constitute a separate request for the purpose of review.

**C.** School Sites. When a proposed subdivision holds within it a school site shown on a plan approved by the Town Board of **Commissioners** and the board of education, the Board of Commissioners shall immediately notify the board of education. If the school board still wishes the site to be reserved, the plat shall not be recorded without the reservation of the site. If the school board does not acquire the site within 18 months from the date of final approval of the plat, the landowner may treat the land as freed of the reservation.

**D.** Prohibition Against Clearcutting. Clearcutting within any development or on any vacant parcel larger than one (1) acre in size shall be prohibited without approval in accordance with Subsection 6.2.12 (Clearcutting of Existing Vegetation).

**E.** Street and Perimeter Bufferyards for Major Residential Subdivisions. Street and Perimeter Bufferyards shall be installed for Major Residential Subdivisions in accordance with Section 6.2 (Landscaping Standards).

## 8.2 Standards of Design

### 8.2.1 Land and Lot Configuration.

**A.** Land Configuration. Subdivisions of land shall be configured in a manner that promotes orderly development, adequately considers the natural topography and drainage features of the site, and the type of development proposed.

**B.** Lot Configuration. Lots shall be designed in shape, size, and location with due regard to topographic conditions, features of the surrounding area, contemplated use and official plans and ordinances.

**C.** Marginal Land. Land subject to flooding or land which may aggravate the flood hazard or increase danger to life or property if developed, and land uninhabitable for other reasons, shall not be considered platted for occupancy by a building and shall not be used in determining the minimum lot area.

**D.** Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.

**E.** Area and Dimensions of Lots. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in Table 6.2 Zoning District Dimensional Standards with the exception of Special Purpose Lots as described below.

**F.** Special Purpose Lots. Requirements of this Chapter with respect to street frontage, minimum lot area, and minimum lot dimensions shall not apply to lots for private cemeteries as an accessory use; sewer lift stations; radio, television, and communication towers; and similar utility uses. Such lots shall comply with the following requirements:

**1.** Minimum Lot Size. The special-purpose lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient area to accommodate the intended use and any required landscaping.

**2.** Access. Access lots established for the purpose of sewage treatment shall have direct access or access via a platted easement to a public or private street. Such access shall be a minimum of twenty (20) feet wide.

**3.** Platting. The subdivision to create the special purpose lot shall be approved in accordance with this Chapter. The final plat shall label the lot as a "special-purpose lot for use as…." A lot created for an individual septic system shall carry the number of the lot or lots it serves and the letter "A." Any access easements on the plat shall be labeled "easement for ingress, egress, and regress for...."

**4.** Conveyance. A special-purpose lot for an individual off-site septic system shall be conveyed by deed and easement with the lot for which sewage treatment is being provided.

### 8.2.2 Cluster Development Option

**A.** Establishment. Cluster development is established as a development option for residential districts where lots are clustered in a manner which facilitates the preservation of a significant

portion of the site as open space. Cluster development allows the same number of lots as would be permitted by a conventional subdivision within the underlying zoning district but allows those lots to be designed without a minimum lot size requirement. Cluster developments shall preserve no less than forty (40) percent of the developing property as open space.

**B.** Intent. Cluster development is intended to prioritize a site's resources by allowing lots to be configured onto a smaller portion of the site while the remaining area is designated as preserved open space. Smaller lots can be configured around, rather than through, valuable resources such as stands of trees, water features, and steep slopes. This development option is intended to create a smaller overall footprint of developed area in comparison to preserved area.

**C.** Applicability. Cluster development is allowed in the A-R, R-20, and R-10 districts. Cluster development allows for more sensitive development of properties with topographic and environmental challenges and other site resources.

**D.** Relation to Underlying Zoning District. Within a cluster development, the general or conditional requirements of the corresponding residential zoning district, and all other requirements of this Ordinance, shall apply, with the exception of lot size.

**E.** Process and Procedures. The procedures and processes for application, review, and approval of cluster development are described in Section 8.3 (Cluster Development Standards).

### 8.2.3 Access

No building or structure shall be constructed, erected, or placed on a zoning lot without open and passable access from the street where the assigned address is located to the principal building or structure. Every zoning lot shall have access to a public or private street or other right-of-way legally dedicated through one of the following methods:

**A.** Frontage. The minimum required frontage for the zoning district is located along a public street or other legally dedicated public right-of-way. For corner lots, the access may be from the side street if the access is clearly visible from the street where the address is assigned.

**B.** Private Street or Exclusive Access Easement. An access easement, or private street, connecting a public street or highway to principal uses which depend upon such easement for access of not less than thirty (30) feet in width for two-way access and recorded in the office of the Register of Deeds. Any use abutting such easement shall be located on a zoning lot and shall comply with all dimensional requirements of the applicable district. No zoning permit shall be issued for a principal use not abutting upon a public street, private street, or private access easement which complies with this provision. This width requirement shall not apply to any driveway located on a zone lot or to any alley.

**C.** Flag Lots. A flag lot is a lot that in its shape resembles a flag on a pole, where the flag part is the main body of the lot and the pole part is the narrow portion of the lot that provides access from the street.

**1.** Lot Area and Yard Calculation. The pole of a flag lot may not be used to calculate area, width, depth, and setbacks of the lot or to provide off-street parking. The pole may not be used toward the yard calculation of any other lot.

**2.** A flag lot shall serve only one single-family dwelling and its uninhabited accessory structures.

**3.** Flag lots shall only be approved when particular extenuating circumstance which makes traditional lot design and minimum road frontage infeasible.

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

**5.** Flag Access Pole. The flag access pole shall:

**a.** have existing frontage on a public or private street right-of-way; and,

**b.** be at least 20 feet wide and must run the entire length. The remaining street frontage of the existing adjacent lot shall be a minimum of 50 feet.

The pole and flag portions must be part of the same parcel and must be under the same ownership as the flag portion;

Setbacks shall be as required for the zoning district. The front building setback of a flag lot shall be located at either the minimum required frontage width or minimum building setback, whichever is greater.

**6.** Reserve strips controlling access to streets shall not be allowed within subdivisions approved after adoption of this Ordinance.

**D.** Lot Area in Right-of-Way. No land area of the lot which lies within a public street right-of-way may be used for the purposes of calculating lot area or any other lot dimensional requirements.

### 8.2.4 Street Standards

**A.** Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic, and in some cases, allow on-street parking; (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the town's drainage system. In order to fulfill these objectives, all public streets shall be constructed to meet either the standards set forth in Subsection (b) or (c).

**B.** The following classifications of streets should be encouraged to be constructed with six-foot-wide shoulders and drainage swales on either side in lieu of curb and gutter, so long as the street grade does not exceed a grade of six (6) percent. Such streets shall be constructed to meet the criteria indicated in the table that follows as well as specifications found in Appendix C and the NCDOT Subdivision Roads Minimum Construction Standards. To the extent practicable, the side slope of the drainage swale shall not exceed 3:1 on the street and back side of the swale. When necessary, the minimum right-of-way shall be expanded to accommodate the proper construction of the travel lane, shoulders, swales, and (if applicable) a sidewalk within the right-of-way.

| **Street Type with swales** | **Minimum Right-of-Way (ROW) Width (in feet)** | **Minimum Pavement Width (in feet)** | **Sidewalk** | **Bike Lanes** |
|---|---|---|---|---|
| **Minor** | 50 | 18 | None | None |

| | | | | |
|---|---|---|---|---|
| **Local** | 60 | 18 | None | None |
| **Subcollector** | 60 | 20 | None | None |
| **Collector** | 60 | 20 | None | None |

**C.** Except as otherwise provided in Subsection B. above, all streets shall be constructed with curb and gutter and shall conform to the other requirements of this Subsection. Only standard ninety (90) degree curb may be used, except that roll-type curb shall be permitted along minor and local streets within residential subdivisions. Street pavement width shall be measured from curb face to curb face where ninety (90) degree curb is used, and from center of the curb where roll-type curb is used.

| **Street Type with Curb and Gutter** | **Minimum Right-of-Way (ROW) Width (in feet)** | **Minimum Pavement Width (in feet)** | **Sidewalk** | **Bike Lanes** |
|---|---|---|---|---|
| Alley (one-way) | 20 | 12 | None | None |
| Minor | 30 | 20 | None | None |
| Local | 40 | 22 | One Side | None |
| Subcollector | 40 | 24 | One Side | None |
| Collector | 50 | 26 | One Side | One Side |
| Arterial | NCDOT Standards | NCDOT Standards | Both Sides | Both Sides |

**D.** Developments that construct streets with curb and gutter and want to allow on street parallel parking shall add at least eight (8) feet to the required minimum pavement width for each side of the street that parking is proposed. Per Town Code of Ordinances, "No person shall park any vehicle on the paved portion of any street within the town, which paved portion is twenty-eight (28) feet or less in width." Minimum right-of-way width may have to be increased to accommodate the additional pavement width, sidewalks, or bike lanes. Bike lanes may be provided on road or off road (multi-use side paths).

**E.** If a development with thirteen (13) or more dwelling units or one hundred thirty (130) or more trips per day is proposed that will access onto nonconforming streets with respect to street width, and drainage, then the full block length of the nonconforming streets that the development directly adjoins shall be improved in accordance with the provisions of Appendix C. This Subsection shall not apply if the width of the existing nonconforming street is ninety (90) percent or more of the minimum pavement widths provided in Subsection 8.2.4.B. & 8.2.4.C.

**F.** Streets constructed that are to be turned over for maintenance by the North Carolina Department of Transportation (NCDOT) shall meet NCDOT requirements.

**G.** Sidewalks

**1.** The sidewalks required by this Chapter shall be at least five (5) feet in width and constructed according to the specifications set forth in Appendix C, except that the permit-issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

**a.** Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

**b.** Such walkways would be more environmentally desirable or more in keeping with the overall design of the development.

**2.** Whenever the permit-issuing authority finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.

**3.** In subdivision developments that abut a public street, sidewalks shall be constructed adjacent to such street if a sidewalk in that location is identified by the officially adopted town pedestrian master plan, the new sidewalk will be an extension of an existing sidewalk on the same side of the street, and the subdivision includes thirteen (13) or more lots. Whenever possible, such sidewalk shall be constructed within the public right-of-way.

**4.** The requirement for sidewalks shall not apply to subdivisions of 20 lots or less in the ETJ.

**H.** Private Streets

**1.** Private streets or drives shall be permitted only in the following circumstances:

**a.** Developments which by the nature of their design could not occur if required to meet Siler City subdivision street standards, for example residential developments under unified or homeowner association control and commercial or industrial development under unified control.

**b.** Division of land into tracts that are five (5) acres or greater in size.

**2.** The further subdivision of residential lots of record which abut existing private streets shall be allowed when the resulting subdivision is a minor subdivision of no more than four (4) lots, each of which can independently meet the minimum lot area and width requirements of the zoning district which the lots are located in.

When the resulting subdivision is a subdivision includes five (5) or more lots existing and proposed lots, however, the subdivision shall not be permitted without upgrading the private street to a public street per standards established by the Town of Siler City and until the completed street is accepted by the Siler City Public Works Director.

This Section shall not apply to commercial and industrial subdivisions, and lots served by sewer.

**3.** Where permitted, private streets shall be constructed in compliance with the following

conditions:

**a.** The developer shall sign a certificate attesting to the fact than an instrument will be recorded with the final plat which guarantees:

**1)** A right of access by all lots served by the private street; and

**2)** A full disclosure of the state of the street and specific street maintenance responsibilities (as required by G.S. 136-102.6) and that these listed responsibilities shall run with the land. (A maintenance agreement shall have been previously agreed to by the Siler City Board of Commissioners and the Town Attorney).

**b.** All developers who incorporate private streets into their subdivisions, including minor subdivisions, shall be required to present plans to the Technical Review Committee for review and approval.

**c.** Design standards for private streets, which are listed in the Appendices.

**d.** No private street within the Town of Siler City shall be longer than 1,320 feet. Also, no private street created after the adoption of this Ordinance shall serve more than six (6) lots. All developments with private streets shall connect to a public street. This provision shall not apply to driveways accessing 2 or fewer lots.

**I.** Street Names and Signs. All street names and signs shall conform to Chatham County and Town of Siler City standards and shall be posted at intersections. Signs shall show the name of every street. New streets, which will connect with existing named streets shall bear the names of the existing streets. In no case shall the names of new streets phonetically resemble the names of existing streets in Siler City.

**J.** Continuation of Streets. Where necessary to provide access or to permit the reasonable future subdivision of adjacent land, stub streets shall be extended to the boundary of the development. A temporary turnaround may be required where a dead-end street exceeds 500 feet in length. The platting of rights-of-way which do not meet the minimum width requirements of the Town of Siler City Development Guidelines shall be prohibited, except where the remainder of the necessary right-of-way has already been platted, dedicated, or established by other means. All proposed stub streets shall include a guardrail at or near the property line, with signage posted indicating that a street extension is intended in conjunction with future development. Such signage shall be maintained by the HOA or other responsible organization.

The requirement for connecting to existing stub streets shall be waived if one or more of the following conditions exist:

**1.** Existing cross-access drives, service streets, or side streets provide sufficient access to the subject property and adjoining property;

**2.** There are incompatible land uses on adjoining properties that are not suitable to be connected by a cross-access drive (e.g., commercial, or industrial uses where the only

access is through residential areas;

**3.** The adjoining property does not abut the subject property with adequate frontage to accommodate a public street connection;

**4.** An unimpeded motor vehicle connection cannot be made through the subject property to the adjoining property within the required right-of-way or cross-access drive easement. Examples of impediments include existing buildings or utility obstructions; significant natural or man-made features, and existing topographic challenges that would make the connection impracticable;

**5.** Applicants may be asked to provide supplemental information to determine whether or not the above exceptions apply.

### 8.2.5 Subdivision Entrance and Names

**A.** All subdivisions requiring the development of new public streets must be named. A sign indicating the name of the subdivision may be posted at each entrance to the subdivision, but not within the median of entrance streets maintained by the Town or NCDOT.

**B.** The entrance roadway shall consist of a landscaped median extending at least twenty (20) feet in length from the perpendicularly adjoining right-of-way which accesses the subdivision. The median shall contain a landscaped zone of at least eight (8) feet in width. The TRC shall ensure that the median does not create any sight distance issues with the adjoining intersection and may alter or waive the requirement. The size of any trees planted within the median shall be limited to a two (2) inch caliper at breast height maximum so as to not block sight lines or potentially damage entering trucks. Crepe myrtles or similarly sized vegetation, or trees of a smaller size are recommended. As an alternative to building a median, a developer may choose to provide a natural or planted streetyard twenty (20) feet in length on both sides of the entrance roadway. Said streetyard shall conform to the requirements of Section 6.2 (Landscaping Standards).

**C.** Development Entry Points. All subdivisions shall provide a minimum number of entry points to the development from the street system outside the development corresponding to the number of residential units within the subdivision. A single entry point shall be required for less than one hundred (100) dwelling units for developments of one- and two-family dwellings. A subdivision with one hundred (100) or more one- or two- family dwellings shall require an additional street connection or fire apparatus access road. Additional fire apparatus access roads may be required for other development based on the North Carolina Fire Code.

### 8.2.6 Utilities

**A.** Water and Wastewater Facilities. Public Water and wastewater facilities shall be subject to the design and construction specifications of the Appendices, the requirements of TriRiver Water, and any other relevant policy documents.

**1.** New subdivisions shall connect to the TriRiver Water regional wastewater system and the public water system. In areas where public water and/or sewer are not available, the developer shall install private systems that have been approved by the appropriate County or State agency.

**2.** Where public water and wastewater facilities are not available and individual water supplies or individual sewage disposal systems are planned, the developer, at his own expense, shall have the site evaluated by the Chatham County Health Department or other authorized and qualified individual, firm, or agency to determine whether or not such individual facilities are feasible, and shall present proof to the Planning Director or designee that such analysis has taken place.

**3.** Where individual septic tank systems are planned, minimum lot sizes in Section 5.3 (Zoning District Dimensional Standards) may need to be increased as required by the Chatham County Health Department.

**4.** Water supply and sewage facilities shall comply with applicable state and county health and environmental laws and regulations.

**B.** Streetlights. All public streets, sidewalks, and other common areas or facilities in subdivisions created after the effective date of this Ordinance shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.

**C.** Utility Easements. Easements shall be required to provide for public service poles, wires, conduits, storm or sanitary sewers, storm drainage channels, surface overflow, gas, water or heat mains, or other utilities. The location and size of said utility easements shall meet the requirements of the Appendices and shall be approved by the Technical Review Committee.

**D.** Electrical and Communication Lines. Electrical and communication lines shall be installed underground within major subdivisions unless the Public Works Director determines underground installation is not feasible due to physical constraints or when power lines meet all of the following criteria:

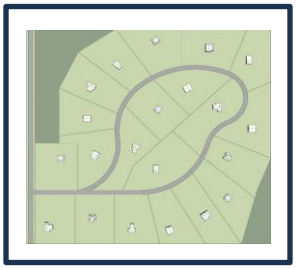
1. The power lines existed above ground at the time of first approval of a plat or development plan by the local government, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan; and

2. The power lines are located outside the boundaries of the parcel of land that contains the subdivision or the property covered by the development plan.

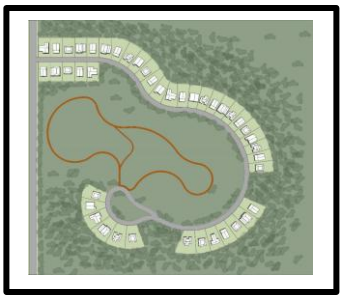
## 8.3 Cluster Development Standards

**A.** A Major subdivision may either be developed as a conventional subdivision, or as a cluster development meeting the requirements of this Section. Cluster development allows lots within a subdivision to be clustered in a manner which facilitates the preservation of significant open space, allowing the same number of lots as would be permitted in a conventional subdivision within the underlying zoning district.

**B.** Aside from the unique dimensional standards and open space requirements referenced in Subsection A, cluster development shall be subject to the same review, approval, and construction requirements as conventional major subdivisions.



**Conventional Rural Subdivision**



**Rural Cluster Development Option**

**Conventional Suburban Subdivision**

**Suburban Cluster Development Option**

## 8.4 Approval Process for Subdivisions

**A.** Minor Subdivision Plats. This Section describes the process for the review and approval of plats for subdivisions of land resulting in twelve (12) or fewer lots.

**1.** Submission Requirements. Three copies of a plat, prepared according to specifications in the Appendices shall be presented to the Technical Review Committee for all minor subdivisions.

**2.** Review Procedure. The Technical Review Committee shall review minor subdivisions upon request of the Planning and Community Development Director or designee.

**3.** Planning and Community Development Director Approval**.** If the Planning Director or designee approves the proposed minor subdivision, a certificate of approval for recording, found in the Appendices, shall show such approval.

**B.** Major Subdivision Preliminary Plats. This Section describes the process for the review and approval of preliminary plats for subdivisions of land resulting in thirteen (13) or more lots.

**1.** Submission Requirements. Three copies of a plat, prepared according to the specifications of the Appendices, shall be presented to the Technical Review Committee for all major subdivisions.

**2.** Traffic Impact Analysis. Any development that contains 100 or more new subdivision lots or is estimated to generate 1000 or more vehicle trips per day shall submit a Traffic Impact Analysis prepared in accordance with Appendix C.

**3.** Technical Review Committee Review. The Technical Review Committee shall review the

preliminary plat and suggest recommended changes prior to Planning Board review. The Technical Review Committee shall make a recommendation on the major subdivision to the Planning Board and Board of Commissioners within sixty (60) days of its submission.

**4.** Watershed Administrator Approval. The Watershed Administrator shall review the completed application and shall either approve, approve conditionally or disapprove each application. The Watershed Administrator shall take final action within forty-five (45) days of submission of the application. The Watershed Administrator or the Board may provide public agencies with an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay action within the prescribed time limit.

**5.** Planning Board Review. The Planning Board shall review the preliminary plat and send their recommendation to the Town Board of Commissioners for a final decision.

**6.** Board of Commissioners' Decision**.** Pursuant to G.S. 160D-801, decisions of approval or denial of subdivision plats may be made only on the basis of standards explicitly set forth in this Ordinance. Decisions on subdivision plats shall be made on the recommendation of the Technical Review Committee.

**C.** Major Subdivision Final Plats. This Section describes the process for the review and approval of final plats for subdivisions of land resulting in thirteen (13) or more lots.

**1.** Submission Requirements. Following approval of the preliminary subdivision plat, the applicant shall submit three (3) copies of the final subdivision plat and any deed restrictions applying thereto to the Planning Director or designee for approval.

**2.** Open Space. Any open space required by Section 6.4 (Open Space Standards) shall be shown on the preliminary and final plats, along with a statement of ownership, whether by a property owner, an association, or by the public if the area is to be dedicated.

**3.** Recordation. The approval of the final plat by the Technical Review Committee shall be on condition that such plat is recorded in the Office of Register of Deeds within 60 days after approval.

**D. Improvements and Certifications Required Prior to Approval of Final Plats**

No subdivision plats shall be granted final approval until the required improvements have been made and accepted in accordance with the provisions of this Chapter and the Appendices of this UDO or guaranteed according to the requirements of Subsection 4.1.7 (Performance Guarantees). Installation of all improvements shall be done according to the approved plans.

**1.** The following improvements and requirements shall be fulfilled or guaranteed before a final plat shall be approved by the Technical Review Committee and the Planning Director for recording:

**a.** Streets. Streets and all associated improvements, to include storm drains, grading, base, paving and sidewalks, shall be designed by a Professional Engineer licensed to practice in North Carolina, in accordance with the specifications and standards

of the Appendices and the N.C. Department of Transportation, Division of Highways, and approved by the Siler City Technical Review Committee.

**b.** Public Utilities. The developer shall install public water mains and sanitary sewers where existing public utilities are available. Engineering certifications and as-built drawings shall be required prior to plat approval. Design requirements are included in the Appendices. Written approval from NCDEQ, required engineering certifications, and as-built drawings shall be required prior to plat approval.

**c.** Private Utilities. In areas where public water and sewer are not available, the developer shall install either individual private wells and wastewater systems or community water and/or wastewater systems. The developer shall comply with all rules and regulations prescribed for private and/or community water supply and waste disposal by the Water Resources Division of the North Carolina Department of Environmental Quality, the Chatham County Health Department, and the requirements of TriRiver Water. For private individual wastewater systems, the size, location, soil conditions, and drainage of all lots in the subdivision shall be approved by the Chatham County Health Department. Community water and wastewater systems shall comply with all regulations and construction specifications of the Tri-River Water Authority for potential future connection.

**d.** Electrical utilities and communication lines shall be installed in properly recorded and dedicated easements, with arrangements made by the developer with the utility company or cooperative authorized to serve the area containing the subdivision. Installation shall reflect current accepted design standards and procedures.

**e.** Utilities which encroach upon streets within the State Highway system shall require an Encroachment Contract executed by the person or firm responsible for maintenance.

**f.** Storm Water Drainage Facilities: All required storm water drainage measures shall be completed according to Chapter 11 (Water Management) and the Appendices. Engineering certifications and as-built drawings shall be required prior to plat approval.

**g.** Erosion Control. The developer shall mulch, seed, sod or otherwise protect all grading, excavated areas, open cuts, side slopes, and other land surface disturbances. It is also the developer's responsibility to comply with the North Carolina Sedimentation and Pollution Control Act and Chapter 11 (Water Management). The developer shall contact the Energy Mineral and Land Resources Division of the North Carolina Department of Environmental Quality (NCDEQ), which provides technical assistance and enforcement of the Sedimentation and Pollution Control Act. The application for a final plat shall, where required, be accompanied by an approved Sedimentation and Erosion Control Plan approval by the N.C. Division of Land Quality.

**h.** Removal of Rubbish. The applicant or property developer shall remove all cut or fallen trees, stumps, rock, boulders, or rubbish from the subdivision prior to the

sale of lots within the subdivision.

**2.** Submission Requirements. Exhibits demonstrating compliance with improvement requirements; as-built drawings of infrastructure improvements; and roadway and utility engineering certifications shall be prepared and submitted along with the final subdivision plat for approval by the Technical Review Committee. In addition to the requirements and certifications of Appendix A, the following certifications and approvals shall be provided, at a minimum, to the Town prior to the approval of a final plat:

**a.** Three (3) hard copies, .pdf and .dwg or .dxf files of the final plat and all plans, profiles, specifications, and other required information;

**b.** An irrevocable warranty surety in the amount of five percent (5%) of the roadway and utility costs;

**c.** The Engineer's Certification for Subdivisions and Streets

**d.** The Engineer's Certification for Roadway Improvements Checklist along with all supporting documentation;

**e.** The Engineer's Sewer Certification. The downstream sewer plug shall be delivered to the Public Works Director following the Engineer's Sewer Certification; and

**f.** All plat documents related to Stormwater shall be recorded and delivered to the Town prior to final plat approval including, but not limited to, density restriction documents, operations and maintenance agreements, HOA restrictive covenants, and sureties. See Chapter 11 (Water Management) for additional information.

**3.** Walk-Through Required. A final walk-through shall be performed with the developer, contractor, and Town personnel. A punch list will be developed of remaining items that must be completed prior to final plat recordation. The Town, at its discretion, may allow an irrevocable surety of 125% of the estimated completion cost of such improvements to be placed on items that do not affect public health or safety, to allow for plat recordation.

## 8.5 Procedures for Final Acceptance of Streets

Procedures and requirements for final acceptance of subdivision street development are included in this Chapter, the Town Code, and Appendix C.

**A.** Until the streets are accepted for maintenance by the Town, the developer, builder, and HOA shall be responsible for any maintenance and repairs. Language that delineates the responsibilities between the parties shall be included in the Restrictive Covenants and the Deed Book and Pages shall be cross-referenced on the plat.

**B.** Once over 50% of the platted lots on any given street are occupied and a minimum of twelve months has passed since plat recordation, the developer may request a follow-up walk-through. A punch list of any issues that need to be resolved shall be developed. Within ninety days of confirmation of all items on the punch list being completed and verification that over 50% of the platted lots on the street are occupied, the warranty surety shall be released, and a Letter of

Street Maintenance Acceptance shall be issued by the Town Public Works Director.

**C.** No modification of storm drainage, grading, ditches, or installation of permanent structures shall be undertaken within the right-of-way or any utility easements without prior written approval from the Town.

## 8.6 Homeowners' Association

In all new major residential subdivisions and any development that includes commonly shared elements, a homeowner's association or similar entity shall be established.

**A.** The following requirements shall apply to all Homeowners' Associations:

**1.** Common ownership of the open space by a Homeowners' Association that assumes full responsibility for its maintenance. The restrictive covenants shall provide that, in the event the Homeowners' Association fails to maintain the open space according to the standards of this Ordinance, the Town may, following reasonable notice:

**a.** Demand that deficiency of maintenance be corrected; or

**b.** Enter the open space to maintain same. The cost of such maintenance shall be charged to the Homeowners' Association.

**2.** The Homeowners' Association shall be responsible for the upkeep and maintenance of any landscaping required by this Ordinance. It is the intent of the Town that all landscaping be properly maintained and not to be excessively pruned or trimmed. Pruning and trimming is permitted as necessary to properly maintain the landscaping and to comply with all other Town regulations, such as those prohibiting obstruction of roadway sight distances or obstruction of the free use of public sidewalks or streets.

**B.** Restrictive Covenants. A Restrictive Covenants document shall be included as deed restrictions on any and all lots in the subdivision. The document shall determine responsibility and provide provisions for the upkeep and maintenance of all commonly owned land and improvements by the Homeowners Association or as assigned to an individual property owner by deed.

**C.** Escrow Account. The HOA shall establish an escrow account, which shall only be used by the Homeowners Association for the upkeep, maintenance, repair, and reconstruction of all commonly owned land and improvements, to include all streets within the development. If commonly owned land and improvements are not properly maintained, the Town of Siler City, in its sole discretion, may remedy the situation, and in such instances, the Town shall be fully reimbursed from the escrow account. Escrowed funds shall not be spent for routine landscaping maintenance items such as mowing.

**D.** Restrictive covenants shall include a financial statement certifying compliance with the escrow account requirements therein.

**E.** HOA information shall be recorded with the Register of Deeds and noted on the final subdivision plat at the time of recording.

## CHAPTER 9 NONCONFORMING SITUATIONS

### 9.1 Nonconformities, Generally

**A.** Intent. It is the intent of this Ordinance and the Siler City Land Use Plan to promote attractive and contextually appropriate development within the Town and to maintain public safety while preserving the rights of individual property owners. This Section is not intended to subvert the continuance of nonconformities but to regulate and limit their expansion so as to bring them into conformity with the standards of the Ordinance to the extent that is reasonably practicable. This Section is not intended to subvert the provisions of Subsection 4.9.1 (Permit Choice) nor Subsection 4.9.2 (Vested Rights).

**B.** Nonconformities Generally.

1. Change in Ownership or Tenancy. No change in tenancy or ownership of land shall limit the continuance of a lawfully established nonconformity.

2. Examples of nonconformities include, but are not limited to, zoning regulations such as lot size and setback requirements, site standards such as required parking and landscaping, and permitted uses.

**C.** Down-Zoning

No amendment to zoning regulations or a zoning map that down-zones property shall be initiated, enacted, or enforced without the written consent of all property owners whose property is the subject of the down-zoning amendment. For 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 than were allowed under its previous usage.

3. By creating any type of nonconformity on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.

**D.** Repair, Maintenance, Replacement, Reconstruction, Alteration and Expansion. Nonconforming situations that were otherwise lawful on the effective date of this Ordinance may be continued only in accordance with this Subsection.

**1.** No nonconforming situation may be altered in any way which increases the nonconformity; however, any nonconforming situation may be altered to decrease the degree of nonconformity.

**2.** Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Minor renovation (i.e., work estimated to cost less than fifty (50) percent of the appraised valuation of the structure to be renovated) may be done in accordance with an approved zoning permit pursuant to this Section.

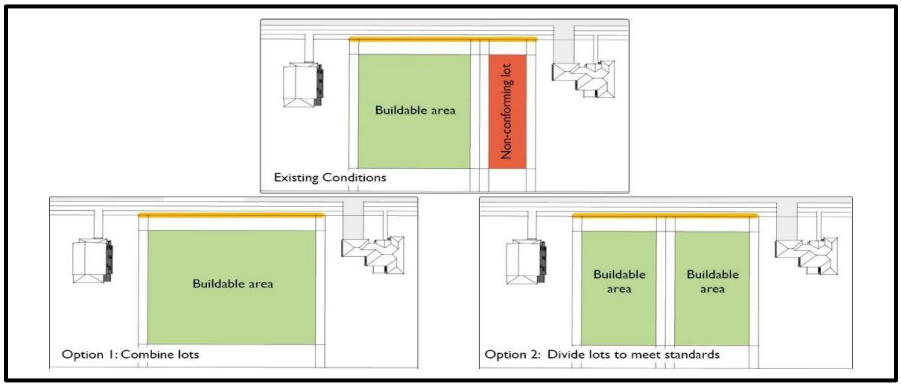
**3.** If a structure is located on a lot where a nonconforming situation existed on June 14,

2024 is damaged to an extent that the costs of repair or replacement would exceed fifty (50) percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with the zoning requirements and development standards in place at the time of adoption of this UDO.

**4.** If a building permit is obtained for expansion work exceeding fifty (50) percent of the appraised valuation of a building or structure where a nonconforming situation , the expansion shall require correction of existing on-site nonconforming off-street parking, landscaping, screening, walls or fencing, and exterior lighting in accordance with except for the following situations:

**a.** The provisions of this Section shall not apply to any building or structure subject to the North Carolina Residential Building Code, regardless of project size or value.

**b.** The provisions of this Section shall only apply to expansion(s) which cumulatively exceed twenty-five percent (25%) of the floor area of a building or structure as of (DATE of Ordinance adoption), except that said expansions shall still require the installation of streetyards, bufferyards, and parking lot landscaping at a rate of fifty percent (50%) of the requirements specified in Section 6.2 (Landscaping Standards). Additionally, any changes to the site of the building or structure being expanded shall not make the site less conforming with the requirements and standards of this Ordinance.




**5.** For the purposes of Subsections 1., 2., 3., and 4. above:

**a.** The "cost" of renovation, repair, or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement;

**b.** The "cost" of renovation, repair, or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of Subsections A and B above by completing such work incrementally; and

**c.** The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or a sealed appraisal or estimate determined by a professionally recognized property appraiser. Data necessary for the determination of the appraised valuation shall be provided to the Zoning Administrator by the property

owner or the owner's authorized agent.

**6.** Strengthening Allowed. Nothing in this Ordinance shall prevent the strengthening or restoration of a safe or lawful condition of any part of any building or structure declared unsafe or unlawful by a duly authorized Town or County official.

**7.** Nothing shall limit the alteration of the elevation of a structure as necessary to ensure the habitable floor area is outside the regulatory flood elevation.

**E.** A nonconforming structure shall not be moved, in whole or in part, to another location on the parcel of land on which it is located, unless the relocation removes or reduces the nonconformity.

## 9.2 Nonconforming Lots

Lawfully established nonconforming lots of record may be developed in accordance with the standards of this Section. This Section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Subsection 7.3.1 (Principal Uses, Generally).

**A.** When development is proposed on a legally established lot in any zoning district that has an area or width which does not conform to the dimensional requirements of the district where it is located but was lawfully established on or before June 14, 2024 the lot may be built upon, subject to compliance with applicable setbacks in place prior to the adoption of this UDO. Approval of a dimensional modification pursuant to Subsection 4.1.6 (Modifications), or a variance pursuant to Section 4.4 (Special Use Permits, Variances, Appeals, and Interpretations), is required in cases when the proposed development cannot otherwise meet the setback requirements for the district where located.

**B.** The boundaries, shape, or size of such a nonconforming lot may be modified through a lot line adjustment, boundary adjustment, recombination, or consolidation, provided it reduces the extent of the nonconformity.

**C.** Lots With Contiguous Frontage in Single Ownership. When two or more adjoining lots with contiguous frontage are under common ownership and one or more of the lots are nonconforming in terms of width or area, such lots shall be combined prior to filing a development application to create one or more lots, each of which conforms to the applicable dimensional requirements of the district, prior to the commencement of development.

## 9.3 Nonconforming Uses

**A.** All uses established on or prior to June 14, 2024 that did not conform to the uses permitted by the UDO before (DATE OF ADOPTION) are hereby declared incompatible with the uses in the district in which they are located. All uses considered to be established after June 14, 2024, shall only be considered nonconforming if they do not conform to the uses permitted by the UDO.

**B.** No nonconforming use shall be converted to another nonconforming use.

**C.** A nonconforming use shall not be extended or expanded to occupy more space or altered in any way that increases the degree of nonconformity.

**D.** Changes of Use

**1.** An existing use may be replaced by another use type of the same or lesser intensity (as measured by number of vehicular trips generated, hours of operation, number of on-site visitors, or other metric as determined by the Planning Director) provided:

**a.** The use requested is one that is permissible in the zoning district of the subject property with either a zoning or special use permit that is approved by the appropriate authority; and.

**b.** The proposed development will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for; and

**2.** If a building permit is required for the property proposed for a new use, the change of use shall require correction of existing on-site nonconforming off-street parking, landscaping, screening, walls or fencing, and exterior lighting in accordance with Chapter 6 (Development Standards Applicable to all Uses) and Chapter 7 (Land Uses and Use-Specific Development Standards) as applicable.

## 9.4 Abandonment and Discontinuance of Nonconforming Situations

**A.** In the event a nonconforming use is discontinued or abandoned for a period of more than 180 consecutive days, the nonconforming use may only be replaced by a use permitted in the district where located.

**B.** For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this Section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. However, where a nonconforming use is maintained on a site in conjunction with a conforming use, the vacation, abandonment, or discontinuance of the nonconforming use for the required period shall terminate the right to maintain said use thereafter.

# CHAPTER 10: DEFINITIONS

## 10.1 Purpose

The purpose of this Chapter is to establish a set of definitions applicable to this Ordinance.

## 10.2 Meaning of Definitions

Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this Ordinance, have the meanings indicated. All words and phrases not defined in this Chapter shall have their common meaning.

The definitions of some principal uses listed in this Chapter reference the NAICS (*North American Industrial Classification Manual, 2022).* In making an interpretation regarding the classification of uses pursuant to this Chapter, the Zoning Administrator may refer to the appropriate NAICS classification number and accompanying descriptions contained in the latest edition of the manual. This manual may or may not be used as the basis for the final determination of the use.

## 10.3 Definitions

**Abandonment:** The act of ceasing or discontinuing a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**Above Ground Liquid Storage Tanks:** A container or vessel that holds liquids, compressed gases, or other petrochemical, including any connected piping, designed to contain and store an accumulation of liquid.

**Abutting:** Having a common border with adjacent property boundaries or lot lines as well as properties separated from the subject property by street, railroad, or any other transportation corridors (G.S. 160D-602).

**Accessory Structure or Use**: A structure or use customarily incidental and subordinate to the principal use or building and is located on the same lot with such principal use or building.

**Accessory Dwelling Unit, Attached:** A secondary dwelling unit connected to the principal single-family detached residential dwelling on a lot, meeting the standards of this Ordinance.

**Accessory Dwelling Unit, Detached:** A secondary dwelling unit not attached or connected to the principal single-family detached dwelling on a lot, meeting the standards of this Ordinance.

**Activities of Daily Living**: Bathing, dressing, personal hygiene, ambulation, or locomotion, transferring, toileting, and eating.

**Administrative Decision**: Decisions 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 G.S. 160D or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

**Administrative Hearing**: A proceeding to gather facts needed to make an administrative decision.

**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 residence.

**Adult Uses**: Adult cabarets, adult bookstores, adult mini motion picture theaters, adult motels, adult entertainment businesses, and all other places contained in G.S. 14-202.10.

**Advanced Battery or Fuel Cell Manufacturing:** A facility where devices consisting of one or more electrochemical cells with external connections provided to power electrical devices such as flashlights, mobile phones, and electric vehicles are manufactured.

**Affordable Housing:** As defined by the U.S. Department of Housing and Urban Development (HUD), housing where occupants spend no more than thirty percent (30%) of their gross income on housing costs, including utilities. Affordable housing may be for-sale or for-rent and may take the form of single-family or multifamily development.

**Agricultural Events Facility:** A facility designed to accommodate agricultural and rural events which draw large crowds, such as rodeos and agricultural expositions.

**Agricultural Production:** The use of land for the primary purpose of raising and harvesting row, field, or tree crops on a commercial basis.

**Agricultural Supply Sales (Feed, Seed, Fertilizer):** A retail store primarily engaged in the sale of feed, seed, fertilizer and similar agricultural supplies and products, which would not be better described as another use within this Ordinance.

**Airfield/Heliport:**
A site designed to facilitate the landing and takeoff of private aircraft, which may also include facilities for storing, servicing, or repairing aircraft. Commercial service airports shall not be considered airfields by this Ordinance.

**Airplane Hangar:** A building used for storage of aircraft, the location of which is either on municipal airport property or property adjoining a municipal airport. This use shall be permitted in accordance with the permitted use tables of Chapter 7 (Tables 7.6, 7.7, and 7.8) provided an "Agreement Regarding Airport Access", allowing access to Town property, runways and taxiways, has been fully executed.

**Airport:** A site that is not better described as an airfield/heliport which is designed to facilitate the landing and takeoff of aircraft, which may also include facilities for storing, servicing, or repairing aircraft, and for receiving and discharging passengers or cargo.

**All-Weather Walkway:** A walkway dedicated to pedestrian access that has a width of at least four feet and includes a paved, all-weather surface (excluding gravel or cinders) that is graded and configured to ensure safe pedestrian movement. Also see Multi-Use Trail.

**Alteration**: Any change, addition, or modification in construction or occupancy of an existing structure.

**Amateur Communications Equipment:** Equipment related to the radio frequency spectrum used for the purposes of non-commercial exchange of messages, also known as ham radio.

**Amphitheater (Outdoor):** An open-air theater, usually round, oval, or semi-circular, with or without fixed seating.

**Amusement Facility, Indoors:** A facility offering entertainment and amusement to patrons within enclosed buildings which would not be better classified as another use in this Ordinance, including arcades, bowling alleys, skating rinks, movie theaters, trampoline parks, escape rooms, murder mystery party venues, and similar

establishments.

**Amusement Facility, Outdoors:** A facility offering sports, entertainment, or recreation to the public. Examples may include, but are not limited to, game courts, water parks, and miniature golf courses.

**Animal Grooming:** A facility which provides grooming and bathing services to domesticated animals such as cats and dogs. The principal use Animal Grooming shall not include facilities devoted to the boarding of animals (*see Kennel for boarding of animals*).

**Animal Husbandry:** The breeding, feeding, and tending of domestic animals, especially farm animals.

**Animal Shelter:** A facility operated by the public or a charitable organization which provides shelter for abandoned or lost animals. An animal shelter may also include facilities related to veterinary care, public education, and animal control.

**Antenna:** Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

**Antenna Collocation, Major:** A major collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on any of the following: a building's roof; a building's wall; a vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing telecommunications services; or an existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in this Ordinance and G.S. 160D-931.

**Antenna Collocation, Minor:** A minor collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in this Ordinance and G.S. 160D-931, is required. A minor collocation may also be referred to as an "eligible facility."

**Apartment**: A room or suite of one or more rooms in a multi-family development intended for use as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

**Appeal:** An action initiated at the request of a citizen to challenge or overturn a decision of any administrative officer (e.g., Planning Director, Code Enforcement Officer, etc.) or Board (e.g., Town Board of Commissioners, Board of Adjustment, etc.) following the procedures outlined in this Ordinance.

**Applicant:** *See Developer.*

**Arboretum or Formal Garden:** A place where a variety of woody plants are cultivated for scientific, educational, and ornamental purposes.

**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

**Assisted Living/Nursing Facility:** A residential facility for unrelated older adults or individuals with disabilities, in which housekeeping, meals, and other assistance is available to residents as needed. Such facility may or may not provide skilled nursing or other medical services.

**Asphalt or Concrete Plant:** A facility preparing asphaltic and/or concrete mixtures for delivery to construction sites or retail facilities.

**Auditorium:** A structure or facility designed, intended, or used primarily for public gatherings; indoor exhibitions, galleries, or conventions; or indoor spectator events.

**Automated Teller Machine (ATM):** An electronic banking device that allows customers to complete basic transactions without the aid of a branch representative or teller.

**Bakery (Large Scale):** An establishment that produces and sells foods baked in any type of oven, not better described as another use in this Ordinance.

**Bar or Cocktail Lounge:** An establishment where alcoholic drinks are served, which would not be better described as another use within this Ordinance.

**Battery:** A device consisting of one or more electrochemical cells with external connections provided to power electrical devices such as flashlights, mobile phones, and electric cars.

**Bed and Breakfast:** A use that takes place within a building that, prior to such an establishment, was a single-family residence, which 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).

**Board of Adjustment:** The quasi-judicial board empowered by the Town Board of Commissioners to hear appeals from decisions of the Zoning Administrator, grant variances to the Zoning Ordinance, and grant minor variances from provisions of the Stormwater Ordinance. The Planning Board shall serve as the Board of Adjustment for the Town of Siler City.

**Bottle Shop:** An establishment selling alcoholic beverages in unopened containers for consumption elsewhere.

**Bottling Plant:** A facility where various beverages may be bottled for distribution.

**Bowling Alley:** A building containing one or more bowling lanes, which may also include facilities for repairing and selling bowling-related items and preparing and serving food and drinks.

**Broadcasting Studio:** A facility where television or radio programs are recorded and broadcast.

**Bufferyard:** A landscaped area which is established to provide screening and visual separation intended to improve the compatibility of adjoining land uses.

**Building**: Any structure used or intended for supporting or sheltering any use or occupancy. The connection of buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

**Building, Accessory**: A subordinate building, whose use is incidental to that of a principal building on the same lot.

**Building, Principal**: The building in which the lot's principal use is conducted.

**Building Setback Line**: A line, parallel to the street, establishing the minimum and/or maximum allowable distance between the main portion of any building and the street or highway right-of-way line when measured perpendicularly thereto.

**Built Upon Area:**
For the purposes of Chapter 11 (Water Management), built-upon area shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities (e.g., tennis courts), etc. Built-upon area does not include wooden slatted decks or the water area of a swimming pool.

**Bungalow Court:** A type of multifamily development which features several small residential units arranged around a small courtyard or landscaped area.

**Bus Station:** A facility designed to accommodate the arrival and departure of buses used for commercial or public transportation, which may or may not include a waiting area or other passenger service areas.

**Campground:** Establishments engaged in seasonal or overnight recreational housing and conducting a variety of educational and athletic activities. These establishments may provide accommodation facilities, such as cabins, fixed campsites, parking pads and utility connections for recreational vehicles, food services, on-site recreational facilities and equipment, and organized recreational activities.

**Car Wash or Automobile Detailing:** A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually operated equipment or automatic machinery.

**Caregiver:** An individual eighteen years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first- or second-degree relative of the mentally or physically impaired person for whom the individual is caring.

**Catering/Commissary Kitchen:** A licensed, commercial kitchen facility that provides food preparation and storage space for various food businesses, such as food trucks, caterers, and meal prep companies.

**Cemetery, Columbarium, or Mausoleum:** Land and facilities used for burial of the dead either meeting the requirements of a perpetual care cemetery under State law including any burial ground, mausoleum, or columbarium operated by an entity meeting licensing requirements of the State; or land and facilities including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law.

**Certificate of Occupancy**: A statement, signed by an administrative officer, setting forth that a building, structure, or use complies with this Ordinance and that the same may be used for the purposes stated therein.

**Chemical Manufacturing:** A facility that is used for the transformation of organic and inorganic raw materials via chemical processes into another type of material.

**Child or Adult Care, Incidental:** A childcare or adult care home day care for three or more children or adults which is permitted as an accessory use to an occupied residential dwelling unit, which complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.

**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.

**Civil Construction Documents:** Engineered drawings and support documentation containing all information required for the **construction** of all private improvements, and for the construction of required utilities or other

public improvements. All required civil construction plans shall conform to the approved site plan.

**Clerk of Superior Court**: Clerk of Superior Court of Chatham County, North Carolina.
**Close Familial Relationship:** For the purposes of this Ordinance, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes step, half, and in-law relationships.

**Cluster Development:** A type of development that devotes a significant amount of its total land area to commonly owned, permanently protected open space in exchange for flexibility in lot sizes and dimensions.

**Coffee Shop:** A dining establishment serving coffee and limited food items.

**College or University:** A use, whether privately- or publicly owned, providing academic education beyond the high school level, except where said education is vocational in nature.

**Commercial Parking Lot: A** parking lot or parking structure where patrons pay to store vehicles on a short- or long-term basis.

**Commercial Stable:** A building in which horses are kept or fed, which may or may not include separate stalls for individual animals, and which is not used for personal activities.

**Commissioners:** The Board of Commissioners of the Town of Siler City, NC. *See also Governing Board*.

**Community Garden:** A garden established on public or private property for the purposes of cultivating crops for consumption by members of the community.

**Community/Youth/Senior Center:** A public facility that is primarily used to host recreational or social activities for members of the general public, youth, or senior citizens, not better meeting the definition of any other use described in this Ordinance.

**Comprehensive Plan:** A comprehensive plan that has been officially adopted by the Board of Commissioners pursuant to G.S. 160D-501.

**Computer Services:** An establishment providing personal or business services related to the use of a computer, the information stored on the computer, or the personnel supporting the computer, including data processing, and storage functions.

**Conditional Zoning:** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

**Condominium Development**: Two or more single units in a multi-unit structure with common areas and facilities on one parcel of land. Unit owners own only the interior portion or their unit and accessory space and have an undivided interest in the common areas and facilities. Residential condominiums are considered multi-family developments by this Ordinance.

**Continuing Care Retirement Community (CCRC**): A type of life care community that offers more than one level of care and accommodates residents as their care needs shift over time. Such a community usually provides both independent living and skilled nursing care.

**Contractor Services and Sales:** An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which may involve outdoor storage of products

or equipment used as part of the contracting operation. For the purposes of this Ordinance, contractors shall include, but not limited to, general contractors, electrical contractors, and landscaping contractors.

**Convenience Store (With Gasoline Sales or Restaurant):** A retail establishment offering for sale any combination of gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same.

**Convenience Store (Without Gasoline Sales or Restaurant):** A retail establishment offering for sale any combination of prepackaged food products, household items, and/or other goods commonly associated with the same.

**Cultural Facility, Library, or Museum:** An establishment used primarily for the display, rather than the sale, of works of art or cultural artifacts; or for the storing and lending of books, newspapers, periodicals, and other media.

**Data Center:** An establishment primarily engaged in providing infrastructure and services related to the hosting or processing of data. These establishments may provide specialized hosting activities, such as web hosting, streaming services, or application hosting, or they may provide general mainframe facilities to clients. Such establishments may have significant power demands, and customary accessory uses include power generation facilities designed to primarily serve the needs of the Data Center principal use.

**Decision-Making Board**: Any board assigned to make quasi-judicial decisions under G.S. 160D.

**Deck:** An outdoor floor structure open to the weather, attached or adjacent to a building, extending horizontally, and made of wood or similar materials.

**Dedication**: A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance of the property by the party it is being dedicated to.

**Detached Garage or Carport:** A roofed structure, which may be either enclosed or open, which is detached from the main structure on a parcel and is designed to accommodate one or more motor vehicles.

**Dental or Medical Office:** A use or structure intended or used exclusively by physicians, dentists, and similar professionals for the treatment and examination of patients solely on an outpatient basis.

**Determination:** A written, final, and binding order, requirement, or determination regarding an administrative decision.

**Developer:** A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**Development:** Any of the following:

- The construction, erection, alteration enlargement, renovation, substantial repair, movement to another site, or demolition of any structure;
- Excavation, grading, filling, clearing, or alteration of land;
- The subdivision of land as defined in G.S. 160D-802; and
- The initiation of substantial change in the use of land or the intensity of the use of land.

This definition does not alter the scope of regulatory authority granted by G.S. 160-D

**Development Agreement:** A formal contract between a local government and a private property owner that is made pursuant to Article 10 of G.S. 160D, that vests the developer's rights to a specific project for an extended period, subject to the terms and conditions specified in the agreement.

**Development Approval**: An administrative or quasi-judicial approval made pursuant to G.S. 160D that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

**Development Regulation**: A Unified Development Ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. 160D, or a local act or charter that regulates land use or development.

**Diameter at Breast Height (DBH)**: The width of a tree measured at 4.5 feet above the ground adjacent to the tree.

**Dimensional Nonconformity**: A nonconforming situation that occurs when the height, size, or floor space of an existing structure or building(s) on a lot, or the area or dimensions of the lot itself, does not conform to the regulations applicable to the district in which the property is located.

**Discontinue:** To bring to an immediate end. To abandon or terminate a use, action, activity, or operation.

**Dish Antenna (Large):** A receiver or transmitter of electromagnetic energy, especially microwaves or radio waves, which consists of a reflector shaped like a shallow dish, and which is greater than one (1) meter in diameter.

**Dormitory, Private:** A building which is occupied or intended to be occupied by more than six persons who are not related by blood, marriage, or adoption and who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. For the purposes of this Ordinance, "Dormitory" shall not include a boarding house, motel, hotel, home, or healthcare facility.

**Drive-Through:** A building element which allows customers to conduct business with an establishment while in their vehicles, usually consisting of a dedicated travel lane and a window or other aperture in the building façade which allows goods and payment to be exchanged between the customer and a business employee.

**Driveway**: A site feature providing vehicular access to a site from either a public or private roadway.

**Drug/Alcohol Treatment:** A type of medical facility that provides treatment for drug/alcohol addiction and dependency on an in-patient or out-patient basis.

**Duplex:** A residential building which contains two (2) dwelling units and which occupies one zoning lot.

**Dwelling:** Any building, structure, manufactured home, or part thereof used for human habitation, including any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for the purposes of G.S. 160D Article 12 (Minimum Housing Code), the term shall not include any manufactured home or recreational vehicle if used solely for a seasonal vacation purpose.

**Dwelling Unit:** A single unit providing complete, independent living, sleeping, eating, cooking and sanitation facilities.

**Easement:** A grant of one or more property rights for a specific purpose by the property owner to, or for the use by, another person or the public.

**Electric Vehicle Charging Station:** An accessory use consisting of equipment, also known as a charge point or electric vehicle supply equipment (EVSE), that supplies electrical power for charging plug-in electric vehicles, for use by members of the public.

**Effective Date of this Ordinance.** Whenever this UDO refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation.

**Electrical/Plumbing Fabrication:** A manufacturing process involving the cutting, bending, and welding of wire and pipe to create electrical and plumbing systems or components.

**Electronic Gaming Operation**: Any business enterprise where persons utilize electronic machines, including, but not limited to computers and gaming terminals, to conduct games including but not limited to sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether the value of such distribution is determined by electronic games or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafés, internet sweepstakes, electronic gaming/machine operations, or cybercafés otherwise meeting the preceding definition. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina.

**Equipment and Tool Rental:** An establishment which rents or leases machinery, equipment and tools of various kinds and sizes for a limited period of time to businesses and individuals.

**Event Venue:** A facility that may be rented by individuals or groups for private functions including banquets, fundraisers, weddings, parties, and other events. Said facility may include on-site food preparation or catering facilities.

**Evidentiary Hearing:** A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by a development ordinance or regulation adopted under G.S. 160D (G.S.160D-102(16).

**Expenditure.** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

**Extraterritorial Jurisdiction:** The portion of the Town's planning and zoning jurisdiction that lies beyond its corporate limits.

**Family:** One (1) or more persons living together as a single housekeeping unit.

**Family Care Home**: A home defined and described in Article 3 of G.S. 168 as having support and supervisory personnel, which provides room and board, personal care and habitation services in a family environment for not more than six resident handicapped persons. A handicapped person is defined as person with a temporary or permanent physical emotional or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not

including mentally ill persons who are dangerous to others as defined in G.S. 122-58.2(l)(b).

**Family Health Care Structure:** A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person according to the standards of G.S. 160-915 and this Ordinance.

**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 all 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. Bona fide farms shall be regulated in accordance with G.S. 160D-903.

**Farm Machinery:** Vehicular implements or attachments that are designed for use in farming, whether planting, cultivating, or harvesting farm products.

**Farm Machinery Sales:** An establishment where vehicles such as tractors and implements or attachments designed for planting, harvesting, or cultivating farm products are sold and serviced.

**Fence:** An outdoor structure placed around all or part of a parcel of land constructed of masonry, metal, plastic, or wood which provides either a physical barrier or visual screen.

**Fence, Temporary**: Fencing on, in, or around a construction site installed to keep erosion from leaving the site or to control public access. Temporary fencing shall not remain in place longer than is necessary to perform its function. Common forms of temporary fencing include plastic silt fences, panels constructed by steel or wire, or any fence deemed temporary by the Planning Director. Temporary fencing shall not be permitted as permanent fencing within the Town or its Extraterritorial Jurisdiction.

**Fiber Cement Board:** A dense composition board composed of highly compressed fibers, designed to imitate wood or concrete construction. Varieties include Hardie Plank.

**Financial Institution with Drive-Through Service:** An establishment engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution, which includes a means of providing services to customers in motor vehicles.

**Financial Institution Without Drive-Through Service:** An establishment engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution, which does not include a means of providing services to customers in motor vehicles.

**Fire/EMS Station:** A public facility established to provide fire protection and prevention services or emergency medical services.

**Firearm Sales and Service:** An establishment whose primary purpose is the service and sale of firearms, ammunition, and related supplies.

**Firearms Manufacturing:** A facility engaged in processes related to the manufacture of guns, ammunition, and related devices.

**Fitness Center:** A commercial establishment where users pay a fee to use fitness facilities and equipment, not better described as another use within this Ordinance.

**Flea Market (Indoor)**: A retail establishment in which space inside a building is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles such as those which are either homemade, handcrafted, used, old or obsolete.

**Flea Market (Outdoor)**: A retail establishment in which outdoor space is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles such as those which are either homemade, handcrafted, used, old or obsolete.

**Food Truck:** 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.

**Foot-candle:** A quantitative unit measuring the amount of light cast onto a given point, measured as one (1) lumen per square foot.

**Foundry:** A manufacturing establishment that produces metal castings where liquid metal is poured or injected into a mold to make a desired shape or product.

**Fraternal Club or Lodge:** A building or property used for the activities of a private club or social organization, and not adjunct to, or operated as a public tavern, cafe, or other place open to the general public.

**Fraternity or Sorority House:** A residence occupied by and maintained for the use of fraternal, sororal, social, honorary, or professional organizations.

**Frontage**: The segment of a property abutting one side of a street between two intersecting streets or adjacent properties.

**Fuel Oil/Bottled Gas Distributor:** An establishment primarily engaged in the sale and distribution of fuel oil or bottled gases such as propane or liquid petroleum.

**Funeral-Related Services:** An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries.

**General Retail:** An establishment primarily engaged in general retail sales, where the majority of display and/or storage of merchandise being sold occurs within an enclosed structure. The definition for this use shall not encompass uses which would be better described as any other use within this Ordinance.

**Golf Course:** A facility designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, green, and may include one or more hazards. A clubhouse, pool, practice facility, and other facilities associated with a country club built around a golf course are considered part of the golf course.

**Golf Driving Range:** A facility where golfers may practice their golf shots and swings, which may be equipped with distance markers, tee boxes, and a pro shop selling golf supplies and paraphernalia.

**Government Office:** A building, use, or facility serving 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 healthcare 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.

**Governing Board**: The Board of Commissioners of the Town of Siler City, North Carolina.

**Grade:** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building.

**Greenhouse:** A building, usually chiefly constructed of glass, in which the temperature or humidity is maintained within a desired range, used for cultivating tender plants or for growing plants out of season.

**Greenways**: A series of independent and interconnected paths, officially designated by the Town, which will allow users to go from one area of Town to another without driving their car or using Town roads or streets.

**Grocery Store:** An establishment engaged in the sale of food, both fresh and prepackaged, as well as nonfood household goods, such as paper towels, toilet paper, cleaning products, personal care products, and medicine. This use shall not include establishments better described as a Convenience Store, Large Format Retail, or other use defined by this Ordinance.

**Gross Floor Area**: The interior floor area of a building exclusive of storage and mechanical rooms, and elevator shafts.

**Group Home**: A residential facility for not more than 12 persons licensed by the State of North Carolina which is not a "family care home" as defined by this Ordinance, and which has support and supervisory personnel and provides room, board and personal care in a family or group setting.

**Guard House or Gatehouse:** A structure located at the entrance to a development used to control access to said development.

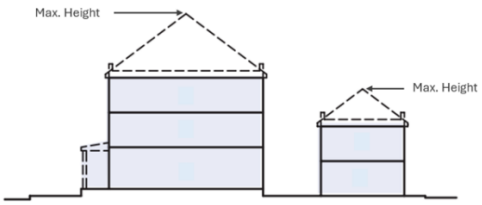
**Habitable Floor:** Any floor within a building useable for living purposes, which includes space for working, sleeping, eating, cooking, recreation, or any combination thereof. A floor used only for storage is not a habitable floor.

**Hair, Nails, and Skin-Related Services:** An establishment engaged in services related to the care and beautification of the hair, nails, and skin, including hair salons, barber shops, nail salons, manicurists, cosmetologists, makeup artists, massage therapists, and tattoo artists. This use shall not include the offices of dermatologists, podiatrists, or similar medical providers.

**Halfway House**: A residential facility for between 13 and 20 persons licensed by the State of North Carolina which is not a "family care home" as defined by this Ordinance, and which has support and supervisory personnel and provides room, board and personal care in a family or group setting.

**Heavy Equipment Sales and Service (Excluding Farm Machinery Sales):** An establishment engaged in the sales and service of equipment such as backhoes, bulldozers, cranes, excavators, construction equipment, and similar equipment or vehicles. Establishments primarily selling tractors and other agricultural equipment shall be considered Farm Machinery Sales by this Ordinance.

**Height, Building:** The vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.




**Home Occupation**: 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. A home occupation shall be conducted without any significantly adverse impact on the surrounding neighborhood.

**Homeowners Association:** An organization in a subdivision, planned unit development or other planned community that is responsible for making and enforcing rules for the properties under their control as defined by the organizing documents. The Association is also responsible for the maintenance of any off-site septic areas within the area under their control.

**Horse or Pet Show:** An exhibition where horses or other animals are displayed for the purposes of judging or sales. Such shows may include competitions between animals entered in the show along with other related events and services.

**Horticulture:** The practice of propagating and cultivating ornamental plants such as trees, bushes, flowers, and shrubs.

**Hospital:** A health care facility which provides for care, treatment, and testing for physical, emotional, or mental injury, illness, or disability, and which includes overnight boarding of patients, either on a for-profit or not- for-profit basis.

**Hotel/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. Entry to the guest rooms may be from an interior or exterior space.

**HUD Label**: The form of certification required by the United States Department of Housing and Urban Development (HUD) to be permanently affixed to each transportable section of every manufactured home manufactured for sale to a purchaser in the United States to indicate that the home conforms to all applicable federal construction and safety standards.

**Impervious Area:** 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. "Impervious Area" does not include a slatted deck; the water area of a swimming pool; a surface of washed number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; 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 as the area between sections of pavement that support the weight of a vehicle.

**Independent Living Facility:** Congregate living facilities designed for older persons or disabled persons who do not require medical and nursing care, but which may offer resident amenities such as central dining facilities and

transportation services located on-site. Each living unit may be self-contained and shall be physically accessible to older or disabled persons. Independent Living Facilities shall be distinguished from apartment buildings by the provision of the communal services described above.

**Itinerant Merchant Sales:** A business enterprise where the proprietor engages in the short-term, temporary sale of goods at a particular location. Itinerant merchant sales may take place within a building or outdoors.

**Junked Motor Vehicle**: A motor vehicle that is partially dismantled or wrecked, cannot be self-propelled or moved in the manner originally intended, and does not display a currently valid license plate.

**Junkyard:** *See Salvage or Junkyard.*

**Kennel, Indoor or Small Outdoor:** An indoor or outdoor facility located on a tract of land no larger than two acres in size and primarily used for the purpose of boarding animals. Such kennels may conduct incidental activities, including the sale, breeding, treatment, training, grooming, or cleaning of animals, and the sale of pet supplies.
**Kennel, Large Outdoor:** An outdoor facility located on a tract of land that is larger than two acres in size primarily used for the purpose of boarding animals. Such kennels may conduct incidental activities, including the sale, breeding, treatment, grooming or cleaning of animals, and the sale of pet supplies.

**Laboratory and Laboratory Services:** An establishment primarily engaged in providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, testing of medical samples and specimens, and industrial X-ray inspection services.

**Land Clearing Debris**: Solid waste that is generated solely from land-clearing activities per G.S. 130A-290 (a) (15).

**Land Use Plan**: A long-range plan for the desired use of land in Siler City which has been adopted by the Town Board of Commissioners. The purpose of the plan is to serve as a guide in the zoning of land, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as parks, public buildings, and streets.

**Landfill.** A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purposes of this Section this term does not include composting facilities.

> **Landfill, LCID (Land Clearing and Inert Debris):** A disposal site for stumps, limbs, leaves, concrete, brick, untreated wood, and uncontaminated earth. Disposal of any other types of waste must be approved by the State Division of Solid Waste Management.
>
> **Landfill, Sanitary:** A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste as defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

**Landowner**: The holder of the title to a property in fee simple. Absent evidence to the contrary, the Town may rely on the Chatham County tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

**Large Format Retail:** Retail establishments, including but not limited to supermarkets, home improvement stores, department stores, and home decorating stores, greater than 50,000 square feet of gross floor area.

**Laundry/Dry Cleaning:** An establishment where clothes may be laundered using chemical solvents, soap and water, or similar methods. This use shall include facilities such as coin-operated laundromats, commercial dry-cleaners, and related facilities.

**Legislative Decision:** The adoption, amendment, or repeal of a regulation under G.S. 160D or an applicable local act. The term also includes decisions to approve, amend, or rescind a development agreement consistent with the provisions of G.S. 160D, Article 10.

**Legislative Hearing:** A hearing to solicit public comment on a proposed legislative decision.

**Library**: See *Cultural Facility, Library, or Museum.*

**Live/Work Dwelling:** An attached building type which accommodates a small commercial use on the ground floor and a residential unit above. The commercial space may accommodate a home-based business or may be leased independently.

**Local Act:** Legislation meeting the requirements of G.S. 160A-1(5).

**Lot**: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to one or more land uses, together with the customary accessories and open spaces belonging to the same and which is intended as a unit for transfer of ownership. The word "lot" includes the word "parcel."

**Corner Lot**: A lot abutting two streets at their intersection.

**Double-Frontage Lot**: A continuous (through) lot which is accessible from both of the parallel streets upon which it fronts.

**Flag Lot:** A lot with less street frontage than is normally required. The portion of the lot adjacent to the street serves to provide access to the remainder of the lot, which contains the required width and area to meet minimum requirements for the zoning district in which the property is located.

**Lot Area:** The total area contained within the boundaries of a lot, except that:

- when the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street, and;
- in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

**Lot Coverage:** The percentage of property area that can be covered by all buildings, including sheds, garages, and primary residences. See also: Built Upon Area.

**Lot Depth**: The average horizontal distance between the front and rear lot lines.

**Lot Front**: That part of the lot abutting the street or other means of access.

**Lot Line:** The line dividing one lot from another or from adjacent rights-of-way.

**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 of Chatham County 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.

**Lot, Substandard:** A lot or parcel of land that has less than the required minimum area or width required for the zoning district in which it is located, provided that such lot or parcel was of record as a legally created lot on the effective date of this Ordinance.

**Lot Width**: The distance between side lot lines measures at the building setback line.

**Manufactured Dwelling Park**: A parcel (or continuous parcels) of land that contains two (2) or more manufactured homes and also may include homes that are constructed with the standards set forth in the North Carolina Building Code.

**Manufactured Dwelling Rental Community:** Any site or tract of land where land rental and specified services (water and sewer) are provided for manufactured homes.

**Manufactured Dwelling Space:** A plot of land within a manufactured dwelling park designed for the accommodation of a single manufactured dwelling. Also known as a manufactured home space.

**Manufactured Dwelling**: As defined in G.S. 143-145(7),

1. A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.
2. "Manufactured dwelling" includes any structure that meets all of the requirements of this Subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development (HUD) and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.
3. For manufactured dwellings built before June 15, 1976, "manufactured dwelling" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.
4. "Manufactured dwelling" also means a double-wide manufactured home, which is two (2) or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over thirty-two (32) feet in length and over eight (8) feet in width.

**Manufactured Dwelling, Class A**: A manufactured dwelling that meets or exceeds the construction and safety standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction and affixed with a HUD label.

**Manufactured Dwelling, Class B**: A manufactured dwelling that does not meet the construction and safety standards promulgated by the U.S. Department of Housing and Urban Development (HUD) and is not affixed with a HUD label.

**Manufactured Dwelling, Double Wide**: A Class A manufactured dwelling that is greater than sixteen (16) feet wide and is composed of more than one (1) component.

**Manufactured Home, Single Wide**: A Class A manufactured home that is sixteen (16) feet wide or less.

**Manufacturing, Heavy (Not Otherwise Categorized):** A manufacturing establishment whose operations, including storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products may occur either inside an enclosed building or outside on the premises. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

**Manufacturing, Light (With or Without Accessory Sales):** A manufacturing establishment whose operations, including storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products occurs completely within an enclosed building or structure. This use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located. This use may also include sales of products manufactured on-site.

**Master Development Plan:** A plan depicting phases of development and general configuration and relationships of the principal elements of the proposed development and uses. The plan will include delineated areas where particular types of development or groups of buildings will be located, along with access and internal circulation through the development. A master development plan is required for the approval of any development involving multiple phases.

**Material Breach: A** serious violation of a development agreement where a party subject to the agreement fails to fulfill a significant obligation, fundamentally undermining the development agreement's purpose and causing substantial harm to the non-breaching party or parties of the agreement. If the Town determines a material breach of the agreement has occurred, any notification, cure, or termination procedures shall be in accordance with G.S. 160D-1008.

**Meat Packing and Processing:** An establishment engaged in the slaughter, processing, and packaging of meat for the purposes of distribution and sale.

**Mentally Impaired Person:** A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

**Metal Fabrication and Welding:** A manufacturing process involving the creation of metal structures through cutting, bending, welding, and other assembling processes.

**Microbrewery or Micro distillery:** A facility for the brewing of beer or the distilling of alcoholic beverages. Said facility may include a tasting room or taproom, as well as a retail space to sell the beer or liquor produced on site to patrons.

**Mixed Occupancy:** A principal building which is used for any combination of dwelling units, including single-family and multifamily, and any other uses permitted in the zoning district.

**Modular Home**: A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to G.S. 143- 139.1. The following types of modular homes are included here for clarity; however, all modular home types are regulated in the same way. Modular homes are distinguished from Manufactured Homes in that Manufactured Homes are manufactured according to federal standards set by the Department of Housing and Urban Development and bear a HUD-Code seal.

**Modular Home, Conventional**: A factory-built structure which is constructed in accordance with the North

Carolina State Building Code with wood frame construction and set-up on a brick foundation.

**Modular Home, On-Frame**: A factory-built structure which is constructed in accordance with the North Carolina State Building Code on a metal frame and is set-up on block piers with brick underpinning.

**Motor Vehicle or Vehicle**: A machine designed or intended to travel over land by self- propulsion or while attached to any self-propelled vehicle. For the purposes of this Ordinance this term includes but is not limited to automobiles, motorcycles, scooters, trucks, tractor trailers, dump trucks, farm tractors, utility trailers, boat trailers, and recreational vehicles.

**Multifamily Dwelling:** A building or portion thereof, constructed under the North Carolina Commercial Building Code, which is used or designed as a residence for multiple families living independently of each other, with separate housekeeping and cooking facilities for each unit. This use shall include apartments and condominiums.

**Multi-Phased Development**: A development containing twenty-five (25) acres or more that is both submitted for development permit approval to occur in more than one (1) phase, and subject to a Master Development Plan with committed elements showing the type and intensity of use for each phase.

**Multi-Use Trail:** A greenway trail dedicated to pedestrian and bicycle access that has a width of at least twelve feet and includes a paved, all-weather surface that is graded and configured to ensure safe pedestrian movement.

**Museum:** *See Cultural Facility, Library, or Museum.*

**NPDES Phase II Stormwater Program:** The storm water program implemented by the Town of Siler City in compliance with the Town of Siler City's "Permit No. NC0026441 to Discharge Stormwater under the National Pollutant Discharge Elimination System", as issued by the State of North Carolina Department of Environment and Natural Resources, Division of Water Quality, effective October 31, 2022, as may be re-issued from time to time.

**National Guard Installation:** A facility owned and operated by the State for the purpose of training the National Guard.

**Nightclub or Dance Hall:** Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

**Nonconforming Lot.** A lot existing at the effective date of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirement of the district in which the lot is located.

**Nonconforming Sign.** A sign that, on the effective date of this Ordinance does not conform to one or more of the regulations set forth in this Ordinance, particularly the signage regulations of Section 6.1 (Sign Standards).

**Nonconforming Situation**. A situation that occurs when, on the effective date of this Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by this Ordinance. Nonconforming signs shall not be regarded as nonconforming situations for purposes of this Chapter but shall be governed by the provisions of Chapter 9 (Nonconforming Situations).

**Nonconforming Use**: A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either as of the effective date of this Ordinance, or as a result of subsequent amendments to this Ordinance.

**Notice of Violation:** A written notification of a violation of this Ordinance, delivered to a violator by the Zoning Administrator or designee, indicating the nature of the violation and prescribing a period for taking corrective measures.

**Nursery/Lawn and Garden Center:** A retail establishment where plants (which are primarily grown off-site), planting supplies, gardening tools, and similar products are sold directly to consumers.

**Obstruction**: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.

**Office:** *See Professional Office.*

**Open Space**: Land used for active or passive recreation, natural resource protection, amenities, and/or buffer yards. Open space may include, but is not limited to, walkways, passive recreation areas, active recreation areas, playgrounds, wooded areas, greenways, and water courses.

**Operator/Manager:** The individual that is responsible for the daily operations of a use or facility.

**Outdoor Sales:** An outdoor area devoted to the display or sale of goods associated with the business activity taking place on-site.

**Outdoor Seasonal Sales:** A business engaged in the short-term, temporary sale of agricultural products such as Christmas trees, pumpkins, pine needles, and similar natural products.

**Outdoor Storage:** The commercial storage or keeping of building materials, equipment, fuel, vehicles, goods, commodities, or raw materials outside of a building or structure. Outdoor storage 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.

**Outdoor Storage Yard:** An establishment or part of an establishment intended to be used for outdoor storage purposes.

**Outpatient Treatment Facility:** A facility, located in or apart from a hospital, which provides either diagnosis or treatment, or both, to ambulatory patients in need of medical, surgical, or mental care.

**Overflow Parking**: Parking area intended to be used when the primary parking area is full, which may or may not be surfaced in the same material as the primary parking area.

**Owner:** *See Landowner.*

**Packaging and Printing:** A facility offering services related to any lithographic, letterpress, or other type of printing that results in identifying or beautifying paper, paperboard, or cardboard products to be used as containers, enclosures, wrappings, or boxes. This use shall also encompass facilities where printed or digital materials may otherwise be copied or printed.

**Park:** Any land used for passive recreational purposes, not better defined as another use within this Ordinance.

**Parking Lot, Commercial:** *See Commercial Parking Lot.*

**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.

**Parking Space:** A designated area set aside for the parking of one vehicle.

**Parking Structure:** A partially or wholly enclosed structure where motor vehicles may be parked on a temporary basis.

**Performance Guarantee:** A financial commitment in the form of a bond, a Standby Letter of Credit, or other equivalent security from a property owner or developer to ensure that the Town of Siler City will have funds available to complete any required infrastructure in the event the owner or developer fails to complete construction or installation of the infrastructure being bonded.

**Pharmacy:** A retail establishment where over the counter and prescription medications, medicinal supplies and appliances, and pharmaceutical products are sold, not better defined as another use within this Ordinance.

**Physically Impaired Person:** A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

**Planned Unit Development***:* A tract of land under individual, corporation, partnership, or association ownership, planned and developed comprehensively and according to an approved Master Development Plan.

**Planning and Development Regulation Jurisdiction:** The geographic area defined in G.S. 160D within which the Town may undertake planning efforts and apply development regulations.

**Planning Board**: The Town of Siler City, NC Planning Board, appointed by the Board of Commissioners to carry out the duties set forth in G.S. 160D-301.

**Plat.** A map or plan of a parcel of land which is to be, or has been, subdivided.

**Pocket Neighborhood:** A group of smaller single-family detached dwellings (including manufactured dwellings) built in close proximity to one another around a small green or commonly owned open space with off-street parking areas to the rear or in common areas.

**Police/Fire Training Facility:** A facility operated by the Town of Siler City or Chatham County offering training for law enforcement or public safety personnel. Such facilities may include firearm shooting ranges, driving courses, and structures for practicing fire suppression techniques.

**Police Station:** A facility established for public law enforcement purposes.

**Pool Hall:** An establishment where pool or billiards are played, where alcoholic beverages may be served.

**Portable 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. Portable storage containers are not intended to be used for long-term on-site storage and any such long-term use in any zoning district is expressly prohibited.

**Post Office:** A facility or structure used for the collection, sorting, and distribution of mail, offering retail postal services to the general public.

**Principal Use:** The primary purpose or function carried out on a property.

**Prison/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 the entirety or each 24-hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

**Private Club (Not Classified as an Adult Use):** A bar, cocktail lounge, or other similar establishment, requiring membership, where alcoholic beverages are served.

**Private Swimming Pool:** An indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing, not accessible to members of the general public.

**Professional Office:** A structure or part thereof in which a person or persons transact the affairs of a business, profession, or industry. Offices of Medical and Dental Professionals shall be considered a Dental or Medical Office by this Ordinance.

**Public Art:** Sculpture, statues, monuments, murals, fountains, and the like that accentuate a public space or streetscape.

**Public Event:** An event that is open to members of the general public, regardless of their affiliation or prior relationship with the event organizers. Such events may be free or may have admission fees.

**Public Facilities**. 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.

**Public Recreation Facility:** Any facility intended for active recreational use by the public or for support of such recreational use, not better described as another use within in this Ordinance.

**Public Works Facility:** A facility that serves to accommodate offices and activities typically associated with a public agency or department that is responsible for the installation and maintenance of public utilities, rights-of-way (including vehicular and pedestrian facilities), sanitation, landscaping, and related public services, or which manages the contractors who conduct such activities.

**Quarrying or Mining:** 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 gained through sworn testimony 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, decisions involving variances, special use permits, and appeals of administrative determinations.

**Racetrack:** An establishment where cars, trucks, motorcycles, or similar vehicles are driven competitively for the entertainment of spectators. The racetrack surface may or may not be paved, and the racetrack may include permanent seating and buildings to accommodate concessions and ticketing, vehicle storage, and similar functions.

**Rail Yard:** An establishment which is connected to an adjacent rail line or spur that provides facilities for storing, sorting, loading, and unloading rail cars and locomotives.

**Recreational Vehicle (RV):** A vehicle which is built on a single chassis; is 400 square feet or less when measured at the largest horizontal projection; is designed to be self-propelled or permanently towable by a light duty truck; is designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use; and is fully licensed and ready for highway use. For the purposes of this Ordinance, “tiny homes” and Park Models shall not be considered recreational vehicles and shall be treated as permanent residential structures.

**Recreational Vehicle (RV) Park:** A facility providing parking spaces and amenities for recreational vehicles (RVs), designed for short-term stays. RV Parks often provide connections for water, electricity, and sewage, along with amenities such as restrooms and bathing facilities.

**Recreational Vehicle (RV) Site:** A designated space for parking a recreational vehicle inside of an RV Park.

**Recycling Center, Convenience Stop:** A facility less than three (3) acres in size at which recoverable resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include establishments engaged in the recycling of used motor vehicle parts.

**Recycling Center, Processing:** A facility of three (3) acres in size or greater at which recoverable resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include establishments engaged in the recycling of used motor vehicle parts.

**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.

**Repair Shop:** An establishment where various items (such as jewelry, clocks or other antiques, and outdoor power tools) may be repaired. This use shall not encompass establishments better defined by other principal uses within this Ordinance.

**Residence**: Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term "residence" shall not be deemed to include a hotel, motel, or other building designed for transient residence. Neither shall it include travel trailers, campers, motor homes, nor other vehicles designed for transient residence. The term "residence" shall include the term "dwelling unit."

**Restaurant:** A building or operation having the primary purpose of accommodating the consumption of food and beverages.

**Restaurant, Drive-Through/Drive Up Service:** A restaurant which includes a means of delivering food or beverage items to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises. This use shall not include establishments which would be better defined as another restaurant use within this Ordinance, but which offers curbside pickup of food or beverages.

**Restaurant, Indoor Seating:** A restaurant, which includes an indoor seating or dining area, but which does not include drive-through service or outdoor seating.

**Restaurant, Indoor or Outdoor Seating:** A restaurant, which includes an indoor or outdoor seating or dining area, but which does not include drive-through service.

**Restaurant, Walk-Up Only:** A restaurant which does not include inside or outside seating or dining area, or drive-through service.

**Retail, Bulky Item:** An establishment engaged in the sale of bulky items such as home appliances, furniture, or similar large and heavy items.

**Retail, Second Hand:** A building, property, or activity the principal use or purpose of which is the sale of previously used goods, products, or merchandise directly to the consumer.

**Riding Academy:** An establishment which includes outdoor areas where equestrian instruction takes place, along with stables and other related facilities.

**Roof:** A construction element which is located at the top of a building or structure, provides protection from the elements, and is constructed of asphalt shingles, slate, metal, cedar, or similar durable materials. A roof may be flat or have a pitch or slope.

**Rooming House**: A building which contains more than three (3), but fewer than ten (10) guest rooms which are let to individuals for compensation.

**Salvage, Junkyard, or Automobile Graveyard:** The use of land for outdoor storage and sales of inoperable or broken machinery, vehicles, construction equipment, used building materials, scrap metal, and similar items.

**School, Elementary:** A public or private school providing instruction to students in kindergarten through grade five (5).

**School, High/Middle:** A public or private school providing instruction to students in grades six (6) through twelve (12).

**School, Vocational:** A school, whether privately-owned or publicly owned, that trains persons in specific trades or occupations such as auto repair, computer programming, nursing, or similar skills.

**Septic Tank**: An underground, watertight container used for treating wastewater in areas without access to a municipal or community sewage disposal system.

**Sewage Disposal System**: An approved sewage disposal system which, depending upon ownership and/or capacity may be:

- a municipal system
- a "community" system approved by the State of North Carolina
- a privately owned small capacity underground collection system (also known as a septic tank) approved by the Chatham County Health Department.

**Shelter House:** Short term housing for not more than twelve (12) women and children and up to six (6) bedrooms in need of safe and secure dwelling for victims of domestic abuse, and sexual assault with no more than two (2) on site managers. Residents are responsible for the care of their children. This is not to be considered a treatment facility nor housing because of transiency, deinstitutionalization, chronic unemployment, alcoholism, or drug abuse and shall be permitted in accordance with the permitted use tables of Chapter 7 (Tables 7.6, 7.7, and 7.8) provided there is not a similar facility on the same lot.

**Shooting Range (Indoor):** An establishment or place used for the indoor discharge of firearms at targets that is available to the public, individual property owners and their guests, and/or law enforcement personnel and other governmental employees.

**Shooting Range (Outdoor):** An establishment or place used for the outdoor discharge of firearms at targets that is available to the public, individual property owners and their guests, and/or law enforcement personnel and other governmental employees.

**Sign**: Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, names, trade names, trademarks, identification, description, slogans display which is affixed to, painted, or represented directly or indirectly, upon a building, or other outdoor surface, or surface visible from outside of a building, which directs attention to or is designed or intended to direct attention to the sign, sign face or to an object, product, place, activity, person, institution, organization or business. Signs located completely within an enclosed building, and not exposed to view from a street, are not considered to be signs by this Ordinance.

**Sign, Animated:** Any sign that uses light, digital graphics, mechanical devices, or any other method to make it appear to move or flash.

**Sign Area**: The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where the sign is attached directly to a building wall or surface, which encompasses all words, numbers, images, and designs. In computing sign area, only one (1) side of a double-faced sign shall be considered.

**Sign, Awning**: A sign attached to, printed on, or hanging from a canopy, marquee, or awning.

**Sign, Banner:** A long strip of flexible material displaying a message or information, suspended in the air by 2 to 4 points.

**Sign, Electronic Message Board:** Any sign on which the copy changes automatically on a lamp bank or digital display, 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 ten seconds.

**Sign, Flashing:** Any sign which gives off light in intermittent bursts and is not better described as another sign type by this Ordinance.

**Sign, Freestanding**: a sign attached to, erected on, or supported by a freestanding frame, mast pole, or structure whose primary function is to support a sign, and which is not itself attached to any building. This definition includes ground-mounted or monument signs.

**Sign, Government:** A sign that is constructed, placed, or maintained by the federal, state, or local government, or a sign that is installed with the permission of the aforementioned entities.

**Sign, Political Campaign or Election:** Any sign meeting the requirements of G.S. 136-32(c)

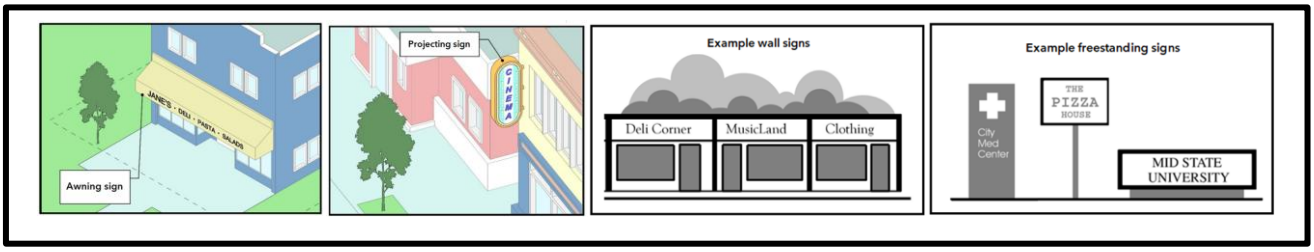
**Sign, Projecting**: A sign attached to and supported by a building and extending beyond the building to which it is attached at a right angle.

**Sign, Sandwich Board:** A temporary sign not secured or attached to the ground or any building or structure, composed of a sign panel(s) and supporting structure that form both the structure and sign face, and that is intended to be placed in a sidewalk or pedestrian way.

**Sign, Temporary:** A sign installed for no more than thirty days at a time which may take the form of a

conventional sign, banner, flag, pennant, balloon, or similar object. Temporary signs may also include windblown devices.

**Sign, Wall**: A sign attached to or painted on a wall of a building, with the exposed display surface of the sign in a plane parallel to the surface of the wall to which it is attached or painted.




**Single-Family Attached Dwelling:** A residential building which contains between two and four dwelling units constructed under the North Carolina Residential Building Code. Each residential unit shall occupy its own zoning lot.

**Single-Family Detached Dwelling:** A residential building which contains one dwelling unit, constructed under the North Carolina Residential Building Code, which occupies its own zoning lot. See also: Accessory Dwelling Unit, Detached

**Site Plan:** A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan shall include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and review process the plan is submitted for. Site Plans shall be prepared by a registered surveyor, architect, landscape architect, draftsman or engineer.

**Site-Specific Vesting Plan:** A plan which has been submitted to the Town by a landowner in which the applicant requests vesting, describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property pursuant to G.S. 160D-108.1 and the requirements of Section 4.9 (Permit Choice and Vested Rights).

**Small Wireless Facility: A** wireless facility that meets both of the following requirements:

- Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet, and;
- All other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight cubic feet.

Electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, and other support structures shall not be included in the calculation of allowed volume for a small wireless facility.

**Solar Energy System (SES) (Small-Scale):** A solar energy system meeting the requirements of Subsection 7.4.3.Q (Solar Energy System (Small-Scale).

**Solar Farm:** A facility where sunlight is converted into electricity by photovoltaic (PV), concentrating solar thermal (CST) devices, or other conversion technology, for the principal purpose of wholesale sales of generated energy.

**Special Event:** A unique sporting, cultural, business, or other event, the duration of which may be no more than seven (7) days.

**Special Use Permit:** A permit issued under quasi-judicial procedures 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 (G.S. 160D-102(30)). This definition includes permits previously referred to as "conditional use permits" or "special use permits."

**Sports Facility, Indoor:** Swimming pools, tennis courts, ball fields, and ball courts which are enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the lot on which the recreational use is located. This use shall include any accessory uses, such as snack bars and pro shops, which are designed and intended primarily for the use of patrons of the principal use.

**Sports Facility, Outdoor:** 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 lot on which the recreational use is located. This use shall 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 use.

**Stable, Commercial:** *See Commercial Stable*.

**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.

**Stockyard/Livestock Sales:** A business enterprise devoted to the temporary confinement and sale of farm animals. Livestock sales may take place within a building or outdoors.

**Street:** A public right-of-way or private easement which affords traffic circulation and a means of access to abutting property. The term street includes road, avenue, place, way, drive, lane, boulevard, highway, and any facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians. Driveways and circulation areas within parking lots shall not be considered streets for the purposes of this Ordinance.

**Specific Types of Streets**

**Alley:** A publicly or privately owned roadway intended to provide vehicular service access to the rear or side of properties otherwise abutting a street.

**Collector Street**: A street which links neighborhood-serving streets to thoroughfares and other larger transportation facilities within the community.

**Cul-de-sac**: A short street with one end open to traffic and the other end permanently terminated with a vehicular turn-around. Such streets may terminate with either a conventional circular cul-de-sac or a "t" turn-around.

**Expressway**: A street or road, usually featuring a median between lanes travelling in opposite directions,

which includes full or partial access control, and which generally includes grade separations at intersections. However, infrequent at-grade crossings may be permitted.

**Freeway:** A divided street or road which is fully access-controlled and includes grade separations at all intersections.

**Frontage Road**: A local street or road that is parallel to a full or partial access-controlled facility and serves to provide access to abutting land.

**Local Street**: A street which is primarily intended to provide direct access to abutting land. Local streets are not intended to carry significant traffic volumes and offer the lowest levels of mobility, with through traffic often being deliberately discouraged.

**Major Thoroughfare:** A multi-lane street which provides for the expeditious movement of high volumes of traffic within and through urban areas.

**Minor Thoroughfares**: A significant street within a community which carries traffic from local and collector streets to major thoroughfares.

**Private Street:** A street not offered for dedication to the Town or the State of North Carolina. Private roads shall require a subdivision street disclosure statement in accordance with G.S. 136-102.6; shall be privately maintained; and shall meet Town design standards for such streets.

**Structure.** Anything constructed or erected, including but not limited to buildings, which requires location on the land or attachment to something having permanent location on the land.

**Subdivider**: Any person, firm, corporation, or official agent thereof, who subdivides or develops any land deemed to be a subdivision.

**Subdivision:** 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; notwithstanding exempt subdivisions as described in Subsection 8.1.2 (Applicability).

**Subdivision Regulation:** Any regulation authorized by Article 8 of Chapter 160D.

**Subdivision, Major:** A subdivision with four (4) or more lots created for the purpose of sale or building development or a subdivision that requires the creation of a new public or private street.

**Subdivision, Minor:** A subdivision of three (3) or fewer lots created for the purpose of sale or building development. A minor subdivision may include the dedication of a new public or private street, may be served by an access easement, or may consist of lots solely served by existing street infrastructure.

**Substantial Clearing, Grading, or Excavation**: One (1) contiguous acre or more of land which is being cleared and/or grubbed of timber, brush, roots, stumps, trees, and other vegetation; and/or graded, made level, or sloped; and/or excavated, dug out, and removed.

**Technical Review Committee**: A committee authorized to review and provide analysis, recommendations and approval for certain planning and development projects.

**Telecommunications Tower, Major:** 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, cellular telephone communication towers and similar structures for wireless communication, not otherwise meeting the definition of Telecommunications Tower, Minor or Concealed. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

**Telecommunications Tower, Minor or Concealed:** A telecommunications tower and associated equipment that is either designed to appear as something other than a traditional telecommunications facility, or to appear as a small-scale version of a traditional telecommunications facility.

**Temporary Construction Office:** A portable or modular structure intended to be used on a construction site to accommodate administrative and operational functions related to the activity occurring on-site, designed to be removed after the project is completed.

**Temporary Disaster Housing:** A housing unit in which individuals and families who have been displaced from their homes due to an emergency receive shelter. Temporary disaster housing may take the form of a structure meeting the requirements of the State Building Code, a manufactured home meeting HUD Code requirement, or a Recreational Vehicle.

**Temporary Dwelling:** A manufactured housing unit which meets all Ordinance requirements, and which is allowed to remain on a lot while the principal residential dwelling is under construction, renovation, or repair, or is otherwise uninhabitable.

**Temporary Educational Structure:** A nonpermanent structure designed to contain instructional or other school-related activities on a temporary basis.

**Temporary Home for the Homeless:** A home owned or operated by a non-profit agency for not more than fifteen (15) persons who are in need of temporary housing, together with not more than two resident managers.

**Temporary Real Estate Office:** A facility within a new subdivision where prospective homebuyers may meet with real estate agents and receive additional information on the development being marketed. A temporary real estate office may exist within a stand-alone structure or within another structure within the subdivision such as a neighborhood clubhouse or model home.

**Temporary Wireless Telecommunications Facility:** A portable wireless facility intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location, or when a disaster disables permanent wireless facilities.

**Theater (Film or Live Performance Not Classified as an Adult Use):** A building designed, intended, or used primarily for motion picture screening and exhibition; or for musical, dance, dramatic, or other live performances.

**Theater, Drive-In:** An outdoor space designed, intended, or primarily used for motion picture screening and exhibition, along with ancillary buildings or structures for ticketing, concessions, and similar amenities.

**Townhome:** A residential building containing five (5) or more attached dwelling units, with each dwelling unit occupying a separate zoning lot.

**Tract:** *See lot.*

**Transfer Station:** A facility where solid waste is temporarily staged in the course of its eventual journey to a landfill,

recycling facility, or waste-to-energy facility.

**Transit Shelter:** A covered structure or facility located at a designated transit stop which provides protection from the elements for waiting passengers.

**TriRiver Water:** A regional water utility company that provides public water and wastewater service for the Town of Siler City.

**Truck Terminal:** Land and buildings used as a relay station for the transfer of a load of goods from one roadgoing vehicle to another, or from one party to another.

**Urgent Care:** A medical care facility designed to treat injuries or illnesses which require immediate attention, but which do not rise to the level of severity which would require hospitalization.

**Use:** The purpose or activity for which land or structures are designed, arranged, or intended, or for which land or structures are occupied or maintained, including any such activity with respect to the requirements of this Ordinance.

> **Use, Accessory:** A use or activity which is customarily incidental to a specific principal use, and which is located on the same zoning lot as the associated principal use, except for off-site parking or other uses allowed by this Ordinance.
>
> **Use, Nonconforming:** *See Nonconforming Use.*
>
> **Use, Principal**: The primary use or uses conducted on a particular property at a given time.
>
> **Use, Temporary:** A use allowed on a zoning lot on a non-permanent basis, per the standards prescribed in this Ordinance.

**Utility Substation:** A facility which is part of an energy generation, transmission, and distribution system which transforms energy from its high-level transmission state to its lower-level distribution state, or performs another related function.

**Variance**: A modification of the dimensional requirements of this Ordinance by the Board of Adjustment when strict enforcement of this Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

**Vehicle Painting/Body Shop:** An establishment providing collision repair and paint-related services for automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles.

**Vehicle Parts and Accessory Sales:** An establishment selling parts and accessories for automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles.

**Vehicle Repair and Servicing (Without Painting or Bodywork):** An establishment where automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles are repaired and serviced. Painting or bodywork is not allowed on the premises of such facilities.

**Vehicle Sales or Rentals:** An establishment devoted to the sale or rental of automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles, including supplementary maintenance or sale of parts and accessories.

**Vehicle Sports:** An outdoor commercial recreation facility which incorporates the use of vehicles such as go-karts, bumper boats, bumper cars, or similar vehicles. The use Vehicle Sports does not include racetracks, dragstrips, or similar facilities.

**Vehicle Towing and Storage Lot:** A lot used for the temporary storage of vehicles which have been towed and impounded by a towing company. However, this use does not include permanent vehicle storage or dismantling of vehicles. Police vehicle impound lots shall be considered part of the Police Station use.

**Vested Right**: A right pursuant to G.S. 160D-102, -108(c), and -108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific vesting plan.

**Veterinary Clinic:** 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; and not used for the training of animals.

**Warehouse, Distribution:** A facility where product is stored in between its arrival from its point of origin and its delivery to a retail business or customer.

**Warehouse - Self-Storage Facilities:** A building or buildings containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis. Such spaces may be accessed either directly from the exterior of the building or from a corridor or other space within the building.

**Warehouse, Storage:** A facility dedicated to the indoor storage of goods, materials, or merchandise for shipment to, or processing on, another property.

**Water Storage Facility:** All facilities, including land, necessary for an above-ground or in-ground reservoir to store water. Such facilities may be publicly owned, privately owned, investor-owned, or cooperatively held.

**Water Supply System**: An approved water supply system which, depending upon ownership and/or number of hook-ups, may take the form of a municipal system; a privately owned well serving an individual dwelling; a privately owned system serving an extended geographic area; a private well serving up to 14 homes in a manufactured home park (approved by the Chatham County Health Department); or, a community system with 15 or more connections.

**Water 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.

**Wholesale Trade:** An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers. Wholesale Trade may include physically grouping and sorting goods into large lots for redistribution or resale purposes.

**Wood Fabrication:** The process of converting raw timber into products such as unfinished lumber and finished wood such as flooring and decorative trim.

**Yard**

- Front: An open, unoccupied space on a lot, extending the full width of the lot and situated between the front line of the lot and the front line of the principal structure on the lot, projected to the side lines of the lot. Where a lot abuts more than one street, the Zoning Administrator shall determine the

front yard for purposes of this Ordinance.

- Rear: An open, unoccupied space on a lot, extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal structure projected to the side lines of the lot.
- Side: An open, unoccupied space on a lot, situated between the principal structure and the side lot line, and extending from the rear line of the front yard to the front line of the rear yard.

**Zoning Administrator:** The Town of Siler City employee responsible for enforcement of zoning, subdivision, floodplain, erosion and sedimentation control and other planning and development related ordinances authorized by G.S. 160D and adopted by the Town of Siler City.

**Zoning Lot**: A single parcel or contiguous parcels of land under single ownership containing sufficient land area for the proposed development including well and septic tank repair area as needed.

**Zoning Map Amendment (Rezoning)**: The process by which the zoning of a specified property or properties is changed.

- The definition of zoning map amendment includes the application of an overlay zoning district or a conditional zoning district.
- It also includes the initial application of zoning when land is added to the territorial jurisdiction of the Town.
- This term does not include the initial adoption of a zoning map by the Town or the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction.
- It does not include updating the zoning map to incorporate amendments to the names of zoning districts made by zoning text amendments where there are no changes in the boundaries of the zoning district or land uses permitted in the district.

**Zoning Permit**: A permit issued by the Zoning Administrator which must be obtained prior to establishment of a use on a property.

**Zoning Regulation**: Any regulation authorized by Article 7 of G.S. 160D.

## Chapter 11: Water Management

### 11.1 Local Environmental Regulations Per 160D-920

**A.** Specified local environmental regulations:

**1.** Forestry activities

**2.** Erosion and sedimentation control

**3.** Floodplain regulations

**4.** Stormwater control

**5.** Water supply watershed management

**B.** The Town is authorized to exercise the powers conferred by Article 8 of Chapter 160A and Article 6 of Chapter 153A to adopt and enforce local ordinances pursuant to Part 2 of Article 9 of Chapter 160D to the extent necessary to comply with state and federal law, rules and regulations, or permits consistent with the interpretations and directions of the state or federal agency issuing the permit.

**C.** The Town regulations adopted pursuant to Part 2 of Article 9 of Chapter 160D are not subject to the variance provisions of G.S. 160D-705 unless that is specifically authorized by this Chapter.

### 11.2 Flood Damage Prevention

Pursuant to Chapter 160D-105, the Town incorporates by reference the FIS dated November 17, 2017, for Chatham County, associated Digital Flood Insurance Rate Map (DFIRM) panels, and any revision thereto promulgated by the Federal Emergency Management Agency (FEMA). A paper and/or digital copy of the currently effective version of the map shall be maintained for public inspection by the Planning Department.
The Governing Board of the Town of Siler City does hereby ordain and enact into law this Section of the UDO as the Flood Damage Protection Ordinance of the Town of Siler City.

**A.** Statutory Authorization, Findings of Fact, Purpose, And Objectives

**1.** Statutory Authorization.
The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Article 6 of Chapter 153A; Article 8 of Chapter 160A; Article 7, 9, and 11 of Chapter 160D of the North Carolina General Statutes (NCGS), delegated to local governmental units the authority to adopt regulations designed to promote the public health, safety, and general welfare. Therefore, the Board of Commissioners of Town of Siler City, North Carolina, does ordain as follows:

**2.** Findings Of Fact.

**a.** The flood prone areas within the jurisdiction of Town of Siler City are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

**b.** These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

**3.** Statement of Purpose. It is the purpose of this Ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

**a.** Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

**b.** Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

**c.** Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

**d.** Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

**e.** Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters, or which may increase flood hazards to other lands.

**4.** Objectives. The objectives of this Ordinance are to:

**a.** Protect human life, safety, and health;

**b.** Minimize expenditure of public money for costly flood control projects;

**c.** Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

**d.** Minimize prolonged business losses and interruptions;

**e.** Minimize damage to public facilities and utilities (i.e., water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

**f.** Minimize damage to private and public property due to flooding;

**g.** Make flood insurance available to the community through the National Flood Insurance Program.

**h.** Maintain the natural and beneficial functions of floodplains;

**i.** Help maintain a stable tax base by providing for the sound use and development of flood prone areas; and

**j.** Ensure that potential buyers are aware that property is in a Special Flood Hazard

Area.

**B.** Definitions Applicable to Flood Damage Prevention

"Accessory Structure (Appurtenant Structure)" means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports, and storage sheds are common urban accessory structures. Pole barns, hay sheds, and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

"Addition (to an existing building)" means an extension or increase in the floor area or height of a building or structure.

"Alteration of a Watercourse" means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance.

"Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)."

"Base Flood." The flood having a one percent chance of being equaled or exceeded in any given years. Also known as the 100-year flood.
"Base Flood Elevation (BFE)" means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a "Special Flood Hazard Area," it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation."

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure."

"Chemical Storage Facility" means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

"Design Flood": See "Regulatory Flood Protection Elevation."

"Development" means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Development Activity" means any activity defined as Development which will necessitate a Floodplain Development Permit. This includes buildings, structures, and non-structural items, including (but not limited to) fill, bulkheads, piers, pools, docks, landings, ramps, and erosion control/stabilization measures.

"Digital Flood Insurance Rate Map (DFIRM)" means the digital official map of a community, issued by the Federal Emergency Management Agency (FEMA), on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Disposal" means, as defined in G.S. 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, structures, or development into a special flood hazard area, which may impede or alter the flow capacity of a floodplain.

"Existing building and existing structure" means any building and/or structure for which the "start of construction" commenced before May 18, 1987.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1) The overflow of inland or tidal waters; and/or
2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the FEMA, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the FEMA, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the FEMA, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated. (see also DFIRM)

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the FEMA. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

“Flood Prone Area” see “Floodplain”

“Flood Zone” means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

“Floodplain.” Any land area susceptible to being inundated by water from the base flood. As used in this Ordinance, the term refers the that area designated as subject to flooding from the base flood (100-year flood) on the "Flood insurance Rate Map" prepared by the Federal Emergency Management Agency and dated July 2, 1987, a copy of which is on file in the planning department. This area shall comprise the floodplain overlay zone and shall be designated as such on the official zoning map.
“Floodplain Administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain Development Permit” means any type of permit that is required in conformance with the provisions of this Ordinance, prior to the commencement of any development activity.

“Floodplain Management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

“Floodplain Management Regulations” means this Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state, or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

“Flood-resistant material” means any building product [material, component, or system] capable of withstanding direct and prolonged contact (minimum 72 hours) with floodwaters without sustaining damage that requires more than low-cost cosmetic repair. Any material that is water- soluble or is not resistant to alkali or acid in water, including normal adhesives for above-grade use, is not flood-resistant. Pressure-treated lumber or naturally decay-resistant lumbers are acceptable flooring materials. Sheet-type flooring coverings that restrict evaporation from below and materials that are impervious, but dimensionally unstable are not acceptable. Materials that absorb or retain water excessively after submergence are not flood resistant. Please refer to Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, and available from the FEMA. Class 4 and 5 materials, referenced therein, are acceptable flood-resistant materials.

“Floodway.” The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
“Floodway encroachment analysis” means an engineering analysis of the impact that a proposed encroachment into a floodway or non-encroachment area is expected to have on the floodway boundaries and flood levels during the occurrence of the base flood discharge. The evaluation shall be prepared by a qualified North Carolina licensed engineer using standard engineering methods and models.

"Freeboard" means the height added to the BFE to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed. The BFE plus the freeboard establishes the "Regulatory Flood Protection Elevation."

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.
"Habitable Floor." Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or any combination thereof. A floor used only for storage is not a habitable floor. "Hazardous Waste Management Facility" means, as defined in G.S. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

1) Listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
2) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3) Individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program;" or
4) Certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program."

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Letter of Map Change (LOMC)" means an official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

"Letter of Map Amendment (LOMA)": An official amendment, by letter, to an effective National Flood Insurance Program map. A LOMA is based on technical data showing that a property had been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

"Letter of Map Revision (LOMR)": A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

"Letter of Map Revision Based on Fill (LOMR-F)": A determination that a structure or parcel

of land has been elevated by fill above the BFE and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

"Conditional Letter of Map Revision (CLOMR)": A formal review and comment as to whether a proposed project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

"Light Duty Truck" means any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less as defined in 40 CFR 86.082-2 and is:

1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3) Available with special features enabling off-street or off-highway operation and use.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk, or patio slab immediately next to the building, or deck support, after completion of the building.

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

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Map Repository" means the location of the official flood hazard data to be applied for floodplain management. It is a central location in which flood data is stored and managed; in North Carolina, FEMA has recognized that the application of digital flood hazard data products carry the same authority as hard copy products. Therefore, the NCEM's Floodplain Mapping Program websites house current and historical flood hazard data. For effective flood hazard data the NC FRIS website (http://FRIS.NC.GOV/FRIS) is the map repository, and for historical flood hazard data the Flood NC website (http://FLOODNC.GOV/NCFLOOD) is the map repository.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such structures.

"Non-Encroachment Area (NEA)" means the channel of a river or other watercourse, including the area above a bridge or culvert when applicable, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after July 2, 1987, the effective date of the initial Flood Insurance Rate Map.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before July 2, 1987, the effective date of the initial Flood Insurance Rate Map.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

Public Water Supply System. Any water supply system furnishing potable water to 10 or more dwelling units or businesses or any combination thereof.

"Recreational Vehicle (RV)" means a vehicle, which is:

1) Built on a single chassis;
2) 400 square feet or less when measured at the largest horizontal projection;
3) Designed to be self-propelled or permanently towable by a light duty truck;
4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use, and
5) Is fully licensed and ready for highway use.

For the purpose of this Ordinance, "Tiny Homes/Houses" and Park Models that do not meet the items listed above are not considered Recreational Vehicles and should meet the standards of and be permitted as Residential Structures.

"Reference Level" is the top of the lowest floor for structures within Special Flood Hazard Areas designated as Zones A and AE.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard." In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet freeboard. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

"Remedy a Violation" means to bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the

impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

“Riverine” means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

“Salvage Yard” means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances, and related machinery.

“Solid Waste Disposal Facility” means any facility involved in the disposal of solid waste, as defined in G.S. 130A-290(a)(35).

“Solid Waste Disposal Site” means, as defined in G.S. 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in K-3(b) of this Ordinance.

“Start of Construction” includes substantial improvement and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one- year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. See definition of “substantial improvement.”

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1) Any correction of existing violations of state or community health, sanitary, or safety

code specifications which have been identified by the community code enforcement official, and which are the minimum necessary to assure safe living conditions; or

2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued pursuant to K-4(e) of this Ordinance.

"Technical Bulletin and Technical Fact Sheet" means a FEMA publication that provides guidance concerning the building performance standards of the NFIP, which are contained in Title 44 of the U.S. Code of Federal Regulations at Section 60.3. The bulletins and fact sheets are intended for use primarily by State and local officials responsible for interpreting and enforcing NFIP regulations and by members of the development community, such as design professionals and builders. New bulletins, as well as updates of existing bulletins, are issued periodically as needed. The bulletins do not create regulations; rather they provide specific guidance for complying with the minimum requirements of existing NFIP regulations. It should be noted that Technical Bulletins and Technical Fact Sheets provide guidance on the minimum requirements of the NFIP regulations. State or community requirements that exceed those of the NFIP take precedence. Design professionals should contact the community officials to determine whether more restrictive State or local regulations apply to the building or site in question. All applicable standards of the State or local building code must also be met for any building in a flood hazard area.

"Temperature Controlled" means having the temperature regulated by a heating and/or cooling system, built-in, or appliance.

"Variance" is a grant of relief from the requirements of this Ordinance.

"Vegetative Buffer." An area measured from the water's edge (on each side) at full pond (lake) or normal levels (rivers and streams) that is not to be developed and left in its natural state, except as may be specifically authorized by the UDO and/or the permitting authority.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in K-4 and K-5 is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation (WSE)" means the height, in relation to NAVD 1988, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**C.** General Provisions

**1.** Lands To Which This Ordinance Applies. This Ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs), of the Town of Siler City.

**2.** Basis For Establishing the Special Flood Hazard Areas. The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated November 17, 2017 for Chatham

County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this Ordinance, and any revision thereto.

**3.** Establishment of Floodplain Development Permit. A Floodplain Development Permit shall be required in conformance with the provisions of this Ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with the provisions of K-3(b) of this Ordinance.

**4.** Compliance. No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this Ordinance and other applicable regulations.

**5.** Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

**6.** Interpretation. In the interpretation and application of this Ordinance, all provisions shall be:

**a.** Considered as minimum requirements;

**b.** Liberally construed in favor of the governing body; and

**c.** Deemed neither to limit nor repeal any other powers granted under State statutes.

**D.** Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Town of Siler City or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**E.** Penalties for Violation. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance, shall constitute a Class 1 misdemeanor pursuant to G.S. §143-215.58. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred dollars ($100.00) or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Town of Siler City from taking such other lawful action as is necessary to prevent or remedy any violation.

**F.** Requirements by North Carolina Wildlife Resource Commission to obtain 401 permitting to construct the Charles L Turner Reservoir/Dam.

**1.** No fill dirt may be added within any floodway or non-encroachment area, or special

flood hazard area (SFHA).

**2.** No building may be constructed, and no substantial improvement of an existing building may take place within any floodway or non-encroachment area unless the lowest floor (including basement) of the building or improvement is elevated to or above the base flood level.

**3.** Where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand the flood depths, pressure, velocities, impact, and uplift forces associated with the base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water.

**4.** No building permit, zoning permit, special-use permit, or conditional zoning may be issued for any development within a floodway or the SFHA. Notwithstanding the foregoing development may be authorized within the SFHA where either:

**a.** A valid permit was issued prior to the effective date of Siler City floodplain regulations dated March 17, 2003; or

**b.** An existing lot of record is rendered undevelopable due to the prohibition on new development within the SFHA.

In situations where development is allowed within the SFHA, no permits shall be issued for any development within a SFHA until the permit issuing authority has reviewed the plans for any such development to ensure that:

**1)** The property shall be developed in a way that has the least impact as possible on the SFHA, e.g., a house shall encroach into the SFHA only to the extent that it must in order to meet setbacks, etc.;

**2)** New residential buildings and substantial improvement of residential buildings shall be constructed to comply with the elevation standards and certifications set forth in this Appendix; and

**3)** New non-residential buildings and substantial improvement of non-residential buildings shall be constructed to comply with the elevation standards, floodproofing standards, and certifications set forth in this Appendix.

**4)** Where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify that any new construction or substantial improvement has been designed to withstand flood depths, pressure, velocities, impact, and uplift forces associated with the base flood at the location of the building and that the walls below the base flood level are substantially impermeable to the passage of water.

**5)** The proposed development is consistent with the need to minimize flood damage, and

**6)** All public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

**7)** Adequate drainage is provided to minimize or reduce exposure to flood hazards, and

**8)** All necessary permits have been received from those agencies from which approval is required by federal or state law.

**9)** With respect to manufactured home or manufactured home parks that are non-conforming because they are located within a SFHA, manufactured home may be relocated in such parks only if they comply with the provisions of the following subsection.

**10)** Notwithstanding any other provision of this Ordinance, no manufactured home may be located or relocated within that portion of the SFHA outside of the floodway, unless the following criteria are met:

**a)** Ground anchors for tie downs are provided.

**b)** The following tie-down requirements are met:

**i.** Over-the-top ties are required at each of the four corners of the manufactured home, with one additional tie per side at an intermediate location, for manufactured homes less than fifty (50) feet long. Two additional ties per side are required for manufactured homes more than fifty (50) feet long.

**ii.** Frame ties are required in conjunction with each over-the- top tie.

**iii.** All components of the anchoring must be capable of carrying a force of four thousand eight hundred (4,800) pounds.

**c)** Lots or pads elevated on compacted fill or by any other method approved by the administrator so that the lowest habitable floor of the manufactured home is at or above the base flood level. However, no new fill may be added to comply with this Ordinance.

**d)** Load-bearing foundation supports such as piers or pilings must be placed on stable soil or concrete footings no more than ten (10) feet apart, and if the support height is greater than seventy-two (72) inches, the support must contain steel reinforcement.

**11)** One residential accessory structure per residential structure shall be allowed within the SFHA provided they are firmly anchored to prevent flotation.

**12)** Anchoring of any accessory buildings may be done by bolting the building to a concrete slab or if over-the-top ties are used, a minimum of two ties with a force adequate to secure the building is required.

**13)** Proposed structures are designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structures.

**14)** Structures are constructed with materials and utility equipment resistant to flood damage.

**15)** Structures are constructed by methods and practices that minimize flood damage.

**G.** Administration

**1.** Designation Of Floodplain Administrator. The Director of Planning and Community Development, hereinafter referred to as the "Floodplain Administrator," is hereby appointed to administer and implement the provisions of this Ordinance. In instances where the Floodplain Administrator receives assistance from others to complete tasks to administer and implement this Ordinance, the Floodplain Administrator shall be responsible for the coordination and community's overall compliance with the National Flood Insurance Program and the provisions of this Ordinance.

**2.** Floodplain Development Application, Permit and Certification Requirements.

**a.** Application Requirements. Application for a Floodplain Development Permit shall be made to the Floodplain Administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the Floodplain Administrator to apply for a floodplain development permit:

**1)** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

**a)** The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

**b)** The boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in K-3(b), or a statement that the entire lot is within the Special Flood Hazard Area;

**c)** Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in K-3(b);

**d)** The boundary of the floodway(s) or non-encroachment area(s) as determined in K-3(b);

**e)** The Base Flood Elevation (BFE) where provided as set forth in K-3(b); K- 4(c); or K-5(d);

**f)** The old and new location of any watercourse that will be altered or relocated as a result of proposed development; and

**g)** The certification of the plot plan by a registered land surveyor or professional engineer.

**2)** Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

**a)** Elevation in relation to NAVD 1988 of the proposed reference level (including basement) of all structures;

**b)** Elevation in relation to NAVD 1988 to which any non-residential structure in Zones A and AE will be floodproofed; and

**c)** Elevation in relation to NAVD 1988 to which any proposed utility systems will be elevated or floodproofed.

**3)** If floodproofing, a Floodproofing Certificate (FEMA Form 086-0-34) with supporting data, an operational plan, and an inspection and maintenance plan that include, but are not limited to, installation, exercise, and maintenance of floodproofing measures.

**4)** A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this Ordinance are met. These details include but are not limited to:

**a)** The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls); and

**b)** Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with K-5(b)(4)(iv) when solid foundation perimeter walls are used in Zones A and AE.

**5)** Usage details of any enclosed areas below the lowest floor.

**6)** Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.

**7)** Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance have been received.

**8)** Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure that the provisions of K-5(b)(6) and K-5(b)(7) of this Ordinance are met.

**9)** A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

**b.** Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

**1)** A complete description of all the development to be permitted under the floodplain development permit (e.g., house, garage, pool, septic, bulkhead, cabana, pier, bridge, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, etc.).

**2)** The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in K-3(b).

**3)** The Regulatory Flood Protection Elevation required for the reference level and all attendant utilities.

**4)** The Regulatory Flood Protection Elevation required for the protection of all public utilities.

**5)** All certification submittal requirements with timelines.

**6)** A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse unless the requirements of K-5(f) have been met.

**7)** The flood openings requirements, if in Zones A and AE.

**8)** Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

**9)** A statement that all materials below BFE/RFPE must be flood resistant materials.

**c.** Certification Requirements.

**1)** Establish the Elevation of the Reference Level. Prior to the actual start

of any new construction, it shall be the duty of the permit holder to establish the elevation of the reference level (in relation to NAVD 1988) on site. Failure to establish the elevation of the reference level on site shall be caused to issue a stop-work order for the project. Any work done to establish the elevation of the reference level shall be at the permit holder's risk.

**2)** Elevation Certificate. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be caused to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Ordinance A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable. (Note: The use of the final FEMA elevation certificate is required for the purchase of flood insurance and is to ensure compliance with this Ordinance.)

**3)** Floodproofing Certificate. A final Finished Construction Floodproofing Certificate (FEMA Form 086-0-34), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the issuance of a Certificate of Compliance/Occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to NAVD 1988. Floodproofing certificate shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to Certificate of Occupancy. Failure to submit the certification or failure to make required corrections shall be caused to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be caused to deny a Certificate of Compliance/Occupancy.

**4)** If a manufactured home is placed within Zones A and AE and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of K-5(b)(3)(ii).

**5)** If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

**6)** Certification Exemptions. The following structures, if located within Zones A and AE, are exempt from the elevation/floodproofing certification requirements specified in items (i) and (ii) of this subsection:

**a)** Recreational Vehicles meeting requirements of K-5(b)(6)(a);

**b)** Temporary Structures meeting requirements of K-5(b)(7); and

**c)** Accessory Structures that are one hundred fifty (150) square feet or less or three thousand dollars ($3,000) or less and meeting requirements of K- 5(b)(8).

**d.** Determinations for existing buildings and structures. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

**1)** Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

**2)** Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

**3)** Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

**4)** Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the NC Building Code and this Ordinance is required.

**3.** Duties And Responsibilities of the Floodplain Administrator. The Floodplain Administrator shall perform, but not be limited to, the following duties:

**a.** Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this Ordinance have been satisfied.

**b.** Review all proposed development within Special Flood Hazard Areas to assure that all necessary local, state, and federal permits have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

**c.** Notify adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

**d.** Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.

**e.** Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of K-5(f) are met.

**f.** Obtain actual elevation (in relation to NAVD 1988) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with the provisions of K-4(b)(3).

**g.** Obtain actual elevation (in relation to NAVD 1988) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with the provisions of K-4(b)(3).

**h.** Obtain actual elevation (in relation to NAVD 1988) of all public utilities in accordance with the provisions of K-4(b)(3).

**i.** When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of K-4(b) (3) and K-5(b)(2).

**j.** Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, floodways, or non-encroachment areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.

**k.** When BFE data has not been provided in accordance with the provisions of K-3(b), obtain, review, and reasonably utilize any BFE data, along with floodway data or non- encroachment area data available from a federal, state, or other source, including data developed pursuant to K-5(b)(2)(iii), in order to administer the provisions of this Ordinance.

**l.** When BFE data is provided but no floodway or non-encroachment area data has been provided in accordance with the provisions of K-3(b), obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a federal, state, or other source in order to administer the provisions of this Ordinance.

**m.** When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the BFE, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

**n.** Permanently maintain all records that pertain to the administration of this Ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

**o.** Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Floodplain Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Floodplain Administrator has the right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.

**p.** Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this Ordinance, the Floodplain Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed at the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.

**q.** Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

**r.** Make periodic inspections throughout the Special Flood Hazard Areas within the jurisdiction of the community. The Floodplain Administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

**s.** Follow through with corrective procedures of K-4(d).

**t.** Review, provide input, and make recommendations for variance requests.

**u.** Maintain a current map repository to include, but not limited to, historical and effective FIS Report, historical and effective FIRM and other official flood maps and studies adopted in accordance with the provisions of K-3 (b) of this Ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

**v.** Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-Fs) and Letters of Map Revision (LOMRs).

**4.** Corrective Procedures.

**a.** Violations to be corrected: When the Floodplain Administrator finds violations of applicable state and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

**b.** Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

**1)** That the building or property is in violation of the floodplain management regulations;

**2)** That a hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

**3)** That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

**c.** Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, he or she shall issue an order in writing to the owner, requiring the owner to remedy

the violation within a specified time period, not less than sixty (60) calendar days, nor more than least one hundred eighty (180) calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, he or she may order that corrective action be taken in such lesser period as may be feasible.

**d.** Appeal: Any owner who has received an order to take corrective action may appeal the order to the locally elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

**e.** Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a Class 1 misdemeanor pursuant to G.S. 143-215.58 and shall be punished at the discretion of the court.

**5.** Variance Procedures.

**a.** The Board of Adjustment as established by Town of Siler City, hereinafter referred to as the "appeal board," shall hear and decide requests for variances from the requirements of this Ordinance.

**b.** Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

**c.** Variances may be issued for:

**1)** The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure;

**2)** Functionally dependent facilities if determined to meet the definition as stated in K-2 of this Ordinance, provided provisions of K-4(e)(9)(ii), K-4(e)(9) (iii), and K- 4(e)(9)(v) have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety; or

**3)** Any other type of development provided it meets the requirements of this Ordinance.

**d.** In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other Ordinances of this Ordinance, and:

**1)** The danger that materials may be swept onto other lands to the injury of others;

**2)** The danger to life and property due to flooding or erosion damage;

**3)** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

**4)** The importance of the services provided by the proposed facility to the community;

**5)** The necessity to the facility of a waterfront location as defined under K-2 of this Ordinance as a functionally dependent facility, where applicable;

**6)** The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

**7)** The compatibility of the proposed use with existing and anticipated development;

**8)** The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

**9)** The safety of access to the property in times of flood for ordinary and emergency vehicles;

**10)** The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

**11)** The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

**e.** A written report addressing each of the above factors shall be submitted with the application for a variance.

**f.** Upon consideration of the factors listed above and the purposes of this Ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this Ordinance.

**g.** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the BFE and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure

below the BFE may result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

**h.** The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the FEMA and the State of North Carolina upon request.

**i.** Conditions for Variances:

**1)** Variances shall not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.

**2)** Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

**3)** Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

**4)** Variances shall only be issued prior to development permit approval.

**5)** Variances shall only be issued upon:

**a)** A showing of good and sufficient cause;

**b)** A determination that failure to grant the variance would result in exceptional hardship; and

**c)** A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

**j.** A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

**1)** The use serves a critical need in the community.

**2)** No feasible location exists for the use outside the Special Flood Hazard Area.

**3)** The reference level of any structure is elevated or floodproofed to at least the Regulatory Flood Protection Elevation.

**4)** The use complies with all other applicable federal, state, and local laws.

**5)** The Town of Siler City has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

**H.** Provisions For Flood Hazard Reduction

**1.** General Standards. In all Special Flood Hazard Areas, the following provisions are required:

**a.** All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

**b.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with the FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements.

**c.** All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

**d.** All new electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall be located at or above the RFPE or designed and installed to prevent water from entering or accumulating within the components during the occurrence of the base flood. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.

**1)** Replacements that are part of a substantial improvement, electrical, heating, ventilation, plumbing, air conditioning equipment, and other service equipment shall also meet the above provisions.

**2)** Replacements that are for maintenance and not part of a substantial improvement, may be installed at the original location provided the addition and/or improvements only comply with the standards for new construction consistent with the code and requirements for the original structure.

**e.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

**f.** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

**g.** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

**h.** Nothing in this Ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this

Ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the Regulatory Flood Protection Elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this Ordinance.

**i.** New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in K-4(e)(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the Regulatory Flood Protection Elevation and certified in accordance with the provisions of K-4(b)(3).

**j.** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

**k.** All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

**l.** All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

**m.** All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

**n.** When a structure is partially located in a Special Flood Hazard Area, the entire structure shall meet the requirements for new construction and substantial improvements.

**o.** When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest BFE shall apply.

**p.** Fill is prohibited in the SFHA, including construction of buildings on fill. This includes not approving Conditional Letters or Letters of Map Revision - Based on Fill (CLOMR-F or LOMR-F).

**2.** Specific Standards. In all Special Flood Hazard Areas where BFE data has been provided, as set forth in K-3(b), or K-5(d), the following provisions, in addition to the provisions of K-5(a), are required:

**a.** Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in K-2 of this Ordinance.

**b.** Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the Regulatory Flood Protection Elevation, as defined in K-2 of this Ordinance. Structures located in Zones A and AE may be floodproofed to the Regulatory Flood Protection Elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the Regulatory Flood Protection Elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the floodproofing standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in K-4(b)(3), along with the operational plan and the inspection and maintenance plan.

**c.** Manufactured Homes.

**1)** New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the Regulatory Flood Protection Elevation, as defined in K-2 of this Ordinance.

**2)** Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to G.S. 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty- six (36) inches in height, an engineering certification is required.

**3)** All enclosures or skirting below the lowest floor shall meet the requirements of K- 5(b)(4).

**4)** An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Floodplain Administrator and the local Emergency Management Coordinator.

**d.** Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

**1)** Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance

equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

**2)** Shall not be temperature-controlled or conditioned;

**3)** Shall be constructed entirely of flood resistant materials at least to the Regulatory Flood Protection Elevation; and

**4)** Shall include, in Zones A and AE flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:

**a)** A minimum of two flood openings on different sides of each enclosed area subject to flooding;

**b)** The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

**c)** If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

**d)** The bottom of all required flood openings shall be no higher than one (1) foot above the higher of the interior or exterior adjacent grade;

**e)** Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

**f)** Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

**5)** Fill/Grading
Fill is prohibited in the SFHA. Note: this should be consistent with K-5(a)(16).

**e.** Additions/Improvements.

**1)** Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

**a)** Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non- conforming than the existing structure.

**b)** A substantial improvement, with modifications/rehabilitations/improvements to the existing structure or the common wall is structurally modified more than installing a doorway, both the existing structure and the addition must comply with the standards for new construction.

**2)** Additions to pre-FIRM or post-FIRM structures that are a substantial improvement with no modifications/rehabilitations/improvements to the existing structure other than a standard door in the common wall, shall require only the addition to comply with the standards for new construction.

**3)** Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

**a)** Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction consistent with the code and requirements for the original structure.

**b)** A substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

**4)** Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one (1) year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started must comply with the standards for new construction. For each building or structure, the one (1) year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this Ordinance. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty five (25) percent of the market value of the structure before the damage occurred. (The repetitive loss portion is OPTIONAL, but will be required for flood insurance policy holders to be eligible for Increased Cost of Compliance (ICC) benefits for repetitive losses.) If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The requirement does not, however, include either:

**a)** Any project for improvement of a building required to correct

existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assume safe living conditions.

**b)** Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

**f.** Recreational Vehicles. Recreational vehicles shall either:

**1)** Temporary Placement

**a)** Be on site for fewer than one hundred eighty (180) consecutive days; or

**b)** Be fully licensed and ready for highway use. (A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions.)

**2)** Permanent Placement. Recreational vehicles that do not meet the limitations of Temporary Placement shall meet all the requirements for new construction.

**g.** Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Floodplain Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood, or other type of flood warning notification. The following information shall be submitted in writing to the Floodplain Administrator for review and written approval:

**1)** A specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;

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

**3)** The time frame prior to the event at which a structure will be removed (i.e., minimum of seventy two (72) hours before landfall of a hurricane or immediately upon flood warning notification);

**4)** A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

**5)** Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

**h.** Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria

shall be met:

**1)** Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

**2)** Accessory structures shall not be temperature-controlled;

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

**4)** Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

**5)** Accessory structures shall be firmly anchored in accordance with the provisions of K-5(a)(1);

**6)** All service facilities such as electrical shall be installed in accordance with the provisions of K-5(a)(4); and

**7)** Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of K-5(b)(4)(d).

An accessory structure with a footprint less than one hundred fifty (150) square feet or that is a minimal investment of three thousand dollars ($3,000) or less and satisfies the criteria outlined above is not required to meet the elevation or floodproofing standards of K-5(b)(2). Elevation or floodproofing certifications are required for all other accessory structures in accordance with K-4(b)(3).

**i.** Tanks. When gas and liquid storage tanks are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

**1)** Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty;

**2)** Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be elevated to or above the Regulatory Flood Protection Elevation on a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area;

**3)** Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of K-5(b)(2) of this Ordinance shall be permitted in flood hazard areas provided the tanks are designed, constructed, installed, and anchored to resist all flood-related and other loads, including the effects of buoyancy, during conditions of the design

flood and without release of contents in the floodwaters or infiltration by floodwaters into the tanks. Tanks shall be designed, constructed, installed, and anchored to resist the potential buoyant and other flood forces acting on an empty tank during design flood conditions.

**4)** Tank inlets and vents. Tank inlets, fill openings, outlets, and vents shall be:

**a)** At or above the Regulatory Flood Protection Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

**b)** Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**j.** Other Development.

**1)** Fences in regulated floodways and NEAs that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of K-5(f) of this Ordinance.

**2)** Retaining walls, sidewalks and driveways in regulated floodways and NEAs. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of K-5(f) of this Ordinance.

**3)** Roads and watercourse crossings in regulated floodways and NEAs. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of K-5(f) of this Ordinance.

**2. Standards For Floodplains Without Established Base Flood Elevations**. Within the Special Flood Hazard Areas designated as Approximate Zone A and established in K-3(b), where no BFE data has been provided by FEMA, the following provisions, in addition to the provisions of K-5(a), shall apply:

**a.** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

**b.** The BFE used in determining the Regulatory Flood Protection Elevation shall be

determined based on the following criteria:

**1)** When BFE data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this Ordinance and shall be elevated or floodproofed in accordance with standards in K-5(a) and K-5(b).

**2)** When floodway or non-encroachment data is available from a Federal, State, or other source, all new construction and substantial improvements within floodway and non-encroachment areas shall also comply with the requirements of K-5(b) and K-5(f).

**3)** All subdivision, manufactured home park and other development proposals shall provide BFE data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such BFE data shall be adopted by reference in accordance with K-3(b) and utilized in implementing this Ordinance.

**4)** When BFE data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the Regulatory Flood Protection Elevation, as defined in K-2. All other applicable provisions of K-5(b) shall also apply.

**3.** Standards For Riverine Floodplains With Base Flood Elevations But Without Established Floodways Or Non-Encroachment Areas. Along rivers and streams where BFE data is provided by FEMA or is available from another source, but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

**a.** Standards of K-5(a) and K-5(b); and

**b.** Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.

**4.** Floodways And Non-Encroachment Areas. Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in K-3(b). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in K-5(a) and K-5(b), shall apply to all development within such areas:

**a.** No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless:

**1)** It is demonstrated that the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood discharge, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the Floodplain Administrator prior to issuance of floodplain development permit; or

**2)** A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained within six months of completion of the proposed encroachment.

**b.** If K-5(f)(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this Ordinance.

**c.** Manufactured homes may be permitted provided the following provisions are met:

**1)** The anchoring and the elevation standards of K-5(b)(3); and

**2)** The encroachment standards of K-5(f)(1).

**I.** Legal Status Provisions

**1.** Effect on Rights And Liabilities Under The Existing Flood Damage Prevention Ordinance. This Ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Prevention Ordinance enacted May 18, 1987 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this Ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Prevention Ordinance of Town of Siler City enacted on May 18, 1987, as amended, which are not reenacted herein, are repealed. **The date of the initial Flood Damage Prevention Ordinance for Chatham County is February 17, 1997**.

**2.** **Effect Upon Outstanding Floodplain Development Permits**. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator or his or her authorized agents before the time of passage of this Ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this Ordinance.

**3.** Severability. If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**4.** Effective Date. This Ordinance shall become effective upon adoption.

**5.** Adoption Certification.

**a.** I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as adopted by the Board of Commissioners of Town of Siler City, North Carolina, on the 21st day of August, 2017. WITNESS my hand and the official seal of Jenifer K. Johnson, Town Clerk, this the 21st day of August, 2017.

**b.** I hereby certify that this is a true and correct copy of the Flood Damage Prevention Ordinance as amended and adopted by the Board of Commissioners of Town of Siler City, North Carolina, on the 19th day of January, 2021, WITNESS my and the official seal of Jenifer K. Johnson, Town Clerk, this the _____day of _____, 2021.

_____(Signature)

## 11.2 Watershed Protection

Pursuant to Chapter 160D-105, the Town incorporates by reference the most recent officially adopted version of the Watershed Protection Map promulgated by the North Carolina Department of Environmental Quality (NCDEQ). A paper and/or digital copy of the currently effective version of the map shall be maintained for public inspection by the Planning Department.

**A.** Authority And General Regulations

**1.** Authority and Enactment. The Legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Governing Board of the Town of Siler City does hereby ordain and enact into law this Section of the UDO as the Watershed Protection Ordinance of the Town of Siler City.

**2.** Jurisdiction. The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of the Town of Siler City, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The Watershed Map and all explanatory matter contained thereon accompanies is hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the Siler City Planning Department. Pursuant to Chapter 160D-105, the Town incorporates by reference the most recent officially adopted version of the Watershed Map promulgated by the N.C. Environmental Management Commission. A paper and/or digital copy of the currently effective version of the map shall be maintained for public inspection by the Planning Department.

**3.** Exceptions to Applicability

**a.** Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this Ordinance amend, modify, or restrict any provisions of the Code of Ordinances of the Town of Siler City; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in the Town of Siler City at the time of the adoption of this Ordinance that may be construed to impair or reduce the effectiveness of this ordinance or to conflict with any of its provisions.

**b.** It is not intended that these regulations interfere with any easement, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

**c.** Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to structures classified as existing development must meet the requirements of this ordinance; however, the built-upon area of the existing development is not required to be included in the

density calculations.

**d.** If a nonconforming lot of record is not contiguous to any other lot owned by the same party, then that lot of record shall not be subject to the development restrictions of this ordinance if it is developed for single-family purposes.

**4.** Criminal Penalties. Any persons violating any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with G.S. 14-4. The maximum fine for each offense shall not exceed $500.00. Each day that the violation continues shall constitute a separate offense.

**5.** Remedies

**a.** If any subdivision, development and/or land use is found to be in violation of this Ordinance, the Town of Siler City Governing Board may, in addition to all other remedies available either in law or in equity, institute a civil penalty in the amount of $100.00, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S. 143-215.6(a). Each day that the violation continues shall constitute a separate offense.

**b.** If the Watershed Administrator finds that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

**6.** Severability. Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

**7.** Effective Date. This Ordinance shall take effect and be in force on September 28, 1993. Amended June 1, 1998, July 18, 2005, March 15, 2010, and January 21, 2021.

**B.** Development Regulations

**1.** Establishment of Watershed Areas. The purpose of the Ordinance is to list and describe the watershed areas herein adopted. For purposes of this Ordinance the Town of Siler City and its extraterritorial jurisdiction are hereby divided into the following area(s), as appropriate:

**a.** WS-III-CA (Critical Area)

**b.** WS-III-BW (Balance of Watershed)

**2.** Watershed Areas Described

**a.** WS-III Watershed Areas - Critical Area (WS-III-CA). In order to maintain a low to moderate land use intensity pattern, single family residential uses are allowed at a maximum of one (1) dwelling unit per acre. All other residential and non-residential development shall be allowed to a maximum of twelve percent (12%) built-upon area. New sludge application sites and landfills are specifically prohibited.

**1)** Allowed Uses:

**a)** Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial water indicated on the most recent versions of U.S.G.S. 1:24,700 (7.5 minute) scale topographic maps or as determined by local government studies, Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1995 recommended by the Soil and Water Conservation Commission.

**b)** Silviculture, subject to the provisions of Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101-.0209).

**c)** Residential.
Non-residential development, excluding: 1) the storage of toxic and hazardous materials unless a spill containment plan is implemented, 2) landfills, and 3) sites for land application of sludge/residuals or petroleum contaminated soils. New industrial development is required to incorporate adequately designed, constructed, and maintained spill containment structures if hazardous materials are either used, stored, or manufactured on the premises.

**2)** Density and Built-upon Limits:

**a)** Single-family residential development shall not exceed one dwelling unit per acre on a project-by-project basis. No residential lot shall be less than one acre, except within an approved cluster development.

**b)** All Other Residential and Non-Residential development shall not exceed twelve percent (12%) built-upon area on a project-by-project basis. For the purpose of calculating built-upon area, the total project area shall include total acreage in the tract on which the project is to be developed.

**b.** WS-III Watershed Areas - Balance of Watershed (WS-III-BW). In order to maintain a low to moderate land use intensity pattern, single family detached uses shall develop at a maximum of two (2) dwelling units per acre. All other residential and non-residential development shall be allowed a maximum of twenty-four percent (24%) built-upon area. In addition, new development and expansions to existing development may occupy ten percent (10%) of the watershed with a seventy percent (70%) built-upon area when approved as a special intensity allocation (SIA). The Watershed Administrator is authorized to approve SIAs consistent with the provisions of this Ordinance. Projects must minimize built-upon surface area, direct stormwater away from surface waters and incorporate Best Management Practices to minimize water quality impacts. Non- discharging landfills and sludge application sites are allowed. NOTE: Ten percent is based on Town's jurisdiction of Watershed as of July 1, 1993. The ten percent does not increase due to annexations or expansion of the extraterritorial jurisdiction.

**1)** Allowed Uses:

**a)** Agriculture, subject to the provisions of the Food Security Act of 1985 and the Food, Agricultural, Conservation and Trade Act of 1990.

**b)** Silviculture, subject to the provision of the Forest Practices Guidelines Related to Water Quality (15 NCAC II.6101-.0209).

**c)** Residential development.

**d)** Non-residential development excluding discharging landfills and the storage of toxic and hazardous materials unless a spill containment plan is implemented.

**2)** Density and Built-upon Limits:

**a)** Single-family residential development shall not exceed two (2) dwelling units per acre, as defined on a project-by-project basis. No residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.

**b)** New development and expansions to existing development shall not exceed twenty-four percent (24%) built-upon area on a project by project basis except that up to ten percent (10%) of the balance of the watershed may be developed for uses to seventy percent (70%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

**3.** Exception to Allowable Density

**a.** An applicant may exceed the allowable density under the applicable water supply watershed rules if all of the following circumstances apply:

**b.** The property was developed prior to the effective date of the local water supply watershed program.

**c.** The property has not been combined with additional lots after January 1, 2021.

**d.** The property has not been a participant in a density averaging transaction The current use of the property is nonresidential.

**e.** In the sole discretion, and at the voluntary election, of the property owner, the stormwater from all of the existing and new built-upon area on the property is treated in accordance with all applicable local government, State, and federal laws and regulations.

**f.** The remaining vegetated buffers on the property are preserved in accordance with the local water supply watershed protection program requirements.

**4.** Cluster Development. Clustering of development is allowed and encouraged in all Watershed Areas under the following conditions:

**a.** Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single- family detached developments in H-3. Built-upon area of the project shall not exceed that allowed for the critical area or balance of watershed, whichever applies.

**b.** All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

**c.** The remainder of the tract shall remain in a vegetated or natural state. The title to the open space area shall be conveyed to an incorporated homeowners association for management: to a local government for preservation as park or open space: or to a conservation organization for preservation a permanent easement. Where a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

**5.** Buffer Areas Required

**a.** A minimum one hundred (100) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted.

**b.** No new development is allowed in the buffer except for water dependent structures and 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 stormwater Best Management Practices.

**c.** The following Riparian Buffers are required for all activities along all perennial and intermittent streams near the Rocky River:

1) A two hundred (200) foot vegetative buffer is required along the entire reach of the Rocky River.

2) A two hundred (200) foot vegetative buffer is required along all perennial and intermittent streams that are located within twenty-five hundred 2,500 feet of the Rocky River.

3) A one hundred (100) foot vegetative buffer is required along all perennial streams located twenty-five hundred (2,500) feet or more away from the Rocky River.

4) A fifty (50) foot vegetative buffer is required along all intermittent streams located twenty-five hundred (2,500) feet or more away from the Rocky River.

5) In the event that a buffer is disputed, buffers will be field-verified in accordance with the accepted methodology of "ground truthing" (USACOE and NCDENR-DWQ).

6) Herbicides, insecticides, and pesticides should not be used for utility right-of-way maintenance within 200 feet of streams, floodplains, and wetlands associated with streams.

7) Native forested plant communities should be maintained within 200 feet of streams or floodplains and wetlands associated with streams.

8) A closed canopy should be maintained over streams.

9) Trees should be trimmed rather than moved that are located within 200 feet of streams, floodplains, or wetlands associated with streams.

10) Notwithstanding the above, the permitting issuing authority may allow areas within required buffers to be counted toward usable open-space requirements and may allow such area to be used for passive recreational uses such as walking; however, any recreational activity that causes or significantly contributes to erosion shall not be allowed.

**6.** Rules Governing the Interpretation of Watershed Area Boundaries. Where uncertainty exists as to the boundaries to the watershed areas, as shown on the Watershed Map, the following rules shall apply:

**a.** Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

**b.** Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the Town as evidence that one or more properties along these boundaries do not lie within the watershed area.

**c.** Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.

**d.** Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

**e.** Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board.

**7.** Application of Regulations

**a.** No building or land shall hereafter be used, and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

**b.** No area required for the purpose of complying with the provisions of this Ordinance shall be included in the area required for another building.

**c.** Every residential building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified, except as permitted in Section H-3(g).

**d.** If a use or class of use is not specifically indicated as being allowed in a watershed area, such use or class of use is prohibited.

**8.** Existing Development. Existing development as defined in this ordinance may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this Ordinance; however, the built-upon area of the existing development is not required to be included in the built upon area calculations.

**a.** Vacant Lots. This category consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of (County). Lots may be used for any of the uses allowed in the watershed area in which it is located, provided the following:

**1)** Where the lot area is below the minimum specified in this ordinance the Watershed Administrator is authorized to issue a watershed protection permit.

2) Notwithstanding the foregoing, whenever two or more contiguous residential vacant lots of record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, such lots shall be combined to create one or more lots that meet the standards of this Ordinance, or if this is impossible, reduce to the extent possible the nonconformity of the lots.

**b.** Occupied Lots. This category consists of lots, occupied for residential purposes at the time of the adoption of this Ordinance. These lots may continue to be used provided that whenever two or more adjoining lots of record, one of which is this ordinance, and such lots individually or together have less area that the minimum requirements for residential purposes for the watershed area in which they are located, such lots shall be combined to create lots which meet the minimum size requirements or which minimize the degree of nonconformity.

**c.** Uses of Land. This category consists of uses existing at the time of adoption of this Ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.

2) Such use of land shall be changed only to an allowed use.

3) When such use ceases for a period of at least one year, it shall not be reestablished.

**d.** Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this Ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.

2) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

**9.** Watershed Protection Permit

**a.** Except where a single family residence is constructed on a lot deeded prior to the effective date of this Ordinance, no building or built-upon area shall be erected, moved, enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection permit has been issued by the Watershed Administrator.

No Watershed Protection Permit shall be issued except in conformity with the provisions of this Ordinance.

**b.** Watershed Protection Permit applications shall be filed with the Watershed Administrator. The applications shall include a completed application form and supporting documentation deemed necessary by the Watershed Administrator.

**c.** Prior to issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this Ordinance.

**d.** A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within twelve (12) months from the date of issuance.

**10.** Building Permit Required. No permit required under the North Carolina State Building Code shall be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

**11.** Watershed Protection Occupancy Permit

**a.** The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

**b.** A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) days after the erection or structural alterations of the building.

**c.** When only a change in use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this Ordinance have been met coincident with the Watershed Protection Permit.

**d.** If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.

**e.** No building or structure which has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

**C.** Public Health Regulations

**1.** Public Health, in general. No activity, situation, structure, or land use shall be allowed within the watershed, which poses a threat to water quality and the public health, safety, and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control

measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or and other situation found to pose a threat to water quality.

**2.** Abatement

**a.** The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

**b.** The Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.

**c.** Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

D. Administration, Enforcement And Appeals

**1.** Watershed Administrator and Duties thereof. The Town of Siler City shall appoint a Watershed Administrator, who shall be duly sworn in. It shall be the duty of the Watershed Administrator to administer and enforce the provisions of this Ordinance as follows:

**a.** The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during regular office hours of the Administrator.

**b.** The Watershed Administrator shall serve as clerk to the Watershed Review Board.

**c.** The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Division of Water Quality.

**d.** The Watershed Administrator shall keep records of the jurisdiction's utilization of the provision that a maximum of ten percent (10%) of the non-critical area of the WS-III-BW watersheds may be developed with development to a maximum of seventy percent (70%) built-upon surface area. Records for each watershed shall include the total acres of non-critical watershed area, total acres eligible to be developed under this option, total acres approved for this development option, and individual records for each project with the following information: location, acres, site plan, use, stormwater management plan as applicable and inventory of hazardous materials as applicable.

**e.** The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his responsibility the full police power of the Town of Siler City. The Watershed Administrator, or

his duly authorized representative may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him by this Ordinance.

**f.** The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted each calendar year to the Division of Water Quality on or before January 1st for the following calendar year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

**2.** Appeal from the Watershed Administrator

**a.** Any order, requirement, decision, or determination made by the Watershed Administrator may be appealed to and decided by the Watershed Review Board.

**b.** An appeal from a decision of the Watershed Administrator must be submitted to the Watershed Review Board within thirty (30) days from the date the order, interpretation, decision, or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed from was taken.

**c.** An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be granted by the Board or by a court of record on application notice of the officer from whom the appeal is taken and upon due cause shown.

**d.** The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing, any party may appear in person, by agent or by attorney.

**3.** Changes and Amendments to the Watershed Protection Ordinance

**a.** The Town Governing Board may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations and restriction as described herein.

**b.** No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendation has been received from the Watershed Review Board within forty-five (45) day after submission of the proposal to the Chairman of the Watershed Review Board, the Town Governing Board may proceed as though a favorable report had been received.

**c.** Under no circumstances shall the Town Board adopt such amendments, supplements or changes that would cause this Ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management

Commission. All amendments must be filed with the N.C. Division of Water Quality, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

**4.** Public Notice and Hearing Required. Before adopting or amending this Ordinance, the Town Governing Board shall hold a public hearing on the proposed changes. A notice of the public 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 for the first time not less than ten (10) nor more that twenty-five (25) days before the date fixed for the hearing.

**5.** Establishment of Watershed Review Board. There shall be and hereby is created the Watershed Review Board consisting of the Siler City Planning Board as selected by the Governing Board.

**6.** Rules of Conduct for Members. Members of the Board may be removed by the Town Governing Board for cause, including violation of the rules stated below:

**a.** Faithful attendance at meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite to continuing membership on the Board.

**b.** No Board member shall take part in the hearing, consideration, or determination of any cause in which he is personally or financially interested. A Board member shall have a "financial interest" in a case when a decision in the case will: 1) cause him or his spouse to experience a direct financial benefit or loss, or 2) will cause a business in which he or his spouse owns a 10 percent or greater interest, or is involved in a decision-making role, to experience a direct financial benefit or loss. A Board member shall have a "personal interest" in a case when it involves a member of his immediate family (i.e., parent, spouse, or child).

**c.** No Board member shall discus any case with any parties thereto prior to the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from the Watershed Administrator or any other member of the Board, its secretary or clerk prior to the hearing.

**d.** Members of the Board shall not express individual opinions on the proper judgment of any case prior to its determination on that case.

**e.** Members of the Board shall give notice to the chairman at least forty-eight (48) hours prior to the hearing of any potential conflict of interest, which he has in a particular case before the Board.

**f.** No Board member shall vote on any matter that decides an application or appeal unless he had attended the public hearing on that application or appeal.

**7.** Powers and Duties of the Watershed Review Board

**a.** Administrative Review. The Watershed Review Board shall hear and decide

appeals from any decision or determination made by the Watershed Administrator in the enforcement of this Ordinance.

**b.** Variances. The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. In addition, the Town shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed where the variance is being considered and the entity using the water supply for consumption.

**1)** Application for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

**a)** A site plan, drawn to a scale of at least one (1) inch to forty (40) feet, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, and an accurate record of any later revision.

**b)** A compete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.

**c)** The Watershed Administrator shall notify in writing each local government having jurisdiction in the watershed. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become a part the record of proceedings of the Watershed Review Board.

**2)** Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

**a)** There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:

**i.** If he complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, nor make reasonable use of, his property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of his property.

**ii.** The hardship results from the application of the Ordinance to the property rather that from other factors such as deed restrictions or other hardship.

**iii.** The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

**iv.** The hardship is not the result of the actions of an applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of the Ordinance, and then comes to the Board for relief.

**v.** The hardship is peculiar to the applicant's property, rather that the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others and would not promote equal justice.

**b)** The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

**c)** In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

**3)** In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this Ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

**4)** The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have

been no substantial changes in conditions or circumstances bearing on the appeal or application.

**5)** A variance issued in accordance with this Ordinance shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months from the date of the decision.

**6)** If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

**a)** The variance application;

**b)** The hearing notices;

**c)** The evidence presented;

**d)** Motions, offers of proof, objections to evidence, and ruling on them;

**e)** Proposed findings and exceptions;

**f)** The proposed decision, including all conditions proposed to be added to the permit.

**7)** The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

**a)** If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in a serious threat to the water supply, then the Commission shall approve the variance as proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

**b)** If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the

variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

**c)** Subdivision approval. See H-2

**d)** Public Health. See H-4

**8.** Appeals from the Watershed Review Board. Appeals from the Watershed Review Board must be filed with the Superior Court within 30 days from the date of the decision. The decisions by the Superior Court will be in the manner of certiorari.

**E.** Definitions Applicable to Watershed Protection

**1.** General Definitions

**Agricultural Use**. The use of waters for stock watering, irrigation, and other farm purposes.

**Best Management Practices (BMP)**. A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

**Buffer**. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the top of bank of each side of streams or rivers.

**Built-upon area**. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered previous.)

**Composting Facility**. A facility in which only stumps, limbs, leaves, grass, and untreated wood collected from land clearing or landscaping operations is deposited.

**Critical Area**. The area adjacent to a water supply intake or reservoir where risk associated with pollution is grater that from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

**Discharging Landfill**. A facility with liners, monitoring equipment, and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on

site and discharged to a receiving stream.

**Existing Development**. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this Ordinance based on at least one of the following criteria:

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 as authorized by the General Statutes (G.S. 160D), or
3) having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 160D).

**Hazardous Material**. Any substance listed as such in SARA section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

**Industrial Development**. Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity.

**Major Variance**. A variance from the minimum statewide watershed protection rules that results in the relaxation, by a factor greater than five percent of any buffer, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than 10 percent, of any management requirement under the low density option.

**Minor Variance**. A variance from the minimum statewide watershed protection rules that result in a relaxation, by a factor of up to five percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation by a factor up to 10 percent, of any management requirement under the low density option.

**Non-conforming Lot of Record**. A lot described by a plat or a deed that was recorded prior to the effective date of this Ordinance that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

**Non-residential Development**. All development other that residential development, agriculture, and silviculture.

**Residential Development**. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

**Single-family Residential**. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

**Street (Road)**. A right-of-way for vehicular traffic, which affords the principal means of access to

abutting properties.

**Toxic Substance**. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion though food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

**Variance.** A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this Ordinance.

**Water Dependent Structure**. Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

**Watershed.** The entire land area contributing surface drainage to a specific point (e.g., the water supply intake.)

**Watershed Administrator**. An official or designated person of the Town responsible for administration and enforcement of this Ordinance.

**2.** Word Interpretation. For the purpose of this Subsection, certain words shall be interpreted as follows:

**a.** The word "structure" shall include the word "building"

**b.** The word "lot" shall include the words, "plot," "parcel," or "tract."

**c.** The word "shall" is always mandatory and not merely directory.

## 11.4 Stormwater Management, Sedimentation and Erosion Control

The provisions of this Ordinance shall apply to all of the area within the zoning jurisdiction of the Town of Siler City.

### 11.4.1 Drainage Generally

**A.** Natural Drainage System Utilized to the Extent Feasible

**1.** To the extent practicable, all development shall conform to the natural contours of the land and natural and preexisting manmade drainage ways shall remain undisturbed.

**2.** To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting manmade drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

**A.** Developments Must Drain Properly

**1.** All developments must be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

**a.** The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or

**b.** The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage unless such retention presents a danger to health or safety.

**2.** No surface water may be channeled or directed into a sanitary sewer.

**3.** Whenever practicable, the drainage system of a development shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or streets.

**4.** Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in Chapter 8 (Subdivision Regulations). Private streets and access ways within un-subdivided developments shall utilize curb and gutter storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

**5.** Construction specifications for drainage swales, curbs and gutters, and storm drains are contained in Appendix C.

**6.** All development shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

**a.** No development may be constructed or maintained so that such development unreasonably impedes the natural flow of water from higher adjacent properties across such development, thereby unreasonably causing substantial damage to such higher adjacent properties.

**b.** No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties.

**c.** New developments exceeding a total impervious surface area of 7% shall manage stormwater according to the following acreage thresholds:

1) Development that exceeds 7% impervious but disturbs less than one (1) acre shall install stormwater controls that meet “low density” requirements of NCDEQ. Guidelines for low density development can be found in the NCDEQ Stormwater Manual and strategies of Low Impact Development (LID).

2) Development that disturbs more than one (1) acre shall obtain a post construction stormwater permit from NCDEQ.

**d.** New developments should use the N.C. Department of Environmental Quality (DEQ) Stormwater

Design Manual .

**e.** New developments should use infiltration practices (e.g., reduced road widths, rain gardens, parking lot bioretention areas, increased sheet flow instead of ditching, and disconnect impervious areas) instead of detention ponds to maintain predevelopment hydrographic conditions, including base flow during low flow conditions.

**f.** New developments should use the Conservation Reserve Program for lands and restoration of prior converted wetlands.

**g.** Direct discharge of stormwater into streams shall not be allowed.

**h.** Ditching or piping of stormwater should not be allowed within or through the buffers.

**B.** North Carolina Department of Environmental Quality (NCDEQ) Stormwater Permit and Erosion and Sedimentation Control Permit Required. Any land disturbing development subject to the jurisdiction of the North Carolina Department of Environmental Quality (NCDEQ) that cumulatively disturbs one acre or more of land, including a development that disturbs less than one acre of land that is part of a larger common plan of development or sale within the Town of Siler City Corporate Limits or Extraterritorial Jurisdiction shall obtain required permits from the NCDEQ. The requirements for these permits are detailed in Section 11.5 (Permits Required).

### 11.4.2 Maintenance of Stormwater Control Measures (SCM).

The owner of each SCM installed pursuant to this Ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the SCM was designed.

**A.** Annual Maintenance Inspection and Report. The person responsible for maintenance of any SCM installed pursuant to this Ordinance shall have an Annual Inspection performed by a qualified professional that is audited by the Zoning Administrator or designee. The inspection report shall contain all the following:

**1.** The name and address of the landowner.

**2.** The recorded book and page number of the lot of each SCM.

**3.** A statement that an inspection was made of all SCM.

**4.** The date the inspection was made.

**5.** A statement that all inspected SCM are performing properly and are in compliance or not in compliance (stating reasons and corrective action) with the terms and conditions of the approved maintenance agreement required by this Ordinance.

All inspection reports shall be on forms supplied by the Zoning Administrator. An original inspection report shall be provided to the Zoning Administrator along with the as-built certification.

**B.** Operation and Maintenance Agreement.

**1.** Prior to the conveyance or transfer of any lot or building site to be served by a SCM pursuant to this Ordinance, and prior to issuance of any permit for development or redevelopment requiring a SCM pursuant to this Ordinance, the applicant or owner of the site must execute an operation and maintenance agreement that shall be binding on all subsequent owners of the site, portions of the site, and lots or parcels served by the SCM. Until the transference of all property, sites, or lots served by the SCM, the original owner or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement.

**2.** Stormwater management facilities that are constructed on public land within public rights-of-way and/or within public easements shall be maintained by the public body with ownership or jurisdiction of the subject property. The appropriate encroachment permits, easements and maintenance agreements shall be obtained prior to beginning construction.

**3.** The operation and maintenance agreement shall require the owner or owners to maintain, repair and, if necessary, reconstruct the SCM, and shall state the terms, conditions, and schedule of maintenance for the SCM. In addition, it shall grant to the Town a right of entry in the event that the Zoning Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the SCM; however, in no case shall the right of entry, of itself, confer an obligation on the Town to assume responsibility for the SCM.

**4.** The operation and maintenance agreement must be approved by the Zoning Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Zoning Administrator within fourteen (14) days following its recordation.

**5.** Special Requirement for Homeowners' and Other Associations. For all SCMs required pursuant to this Ordinance and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

**a.** Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

**b.** Granting to the Town the right of entry to inspect, monitor, maintain, repair, and reconstruct SCMs.

**c.** Allowing the Town to recover from the association and its members' any and all costs the Town expends to maintain or repair the SCMs or to correct any operational deficiencies. Failure to pay the Town all its expended costs, after forty-five (45) days' written notice, shall constitute a breach of the agreement. In case of a deficiency, the Town shall thereafter be entitled to bring an action against the association and its members to pay or foreclose upon the lien hereby authorized by the agreement against the property, or both. Interest, collection costs, and attorney fees shall be added to the recovery.

**d.** A statement that this agreement shall not obligate the Town to maintain or repair any SCMs, and the Town shall not be liable to any person for the condition or operation of SCMs.

**e.** A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town to enforce any of its Ordinances as authorized by law.

**f.** A provision indemnifying and holding harmless the Town for any costs and injuries arising from or related to the SCM, unless the Town has agreed in writing to assume the maintenance responsibility for the SCM and has accepted dedication of any and all rights necessary to carry out that maintenance.

**g.** The owner of the stormwater control management system shall establish, collect, and retain funds for maintenance, repair, replacement, and reconstruction costs for the owner's stormwater management system, which shall equal ten percent (10%) of the stormwater management system's original cost of construction and shall be retained by the owner of the system.

**h.** The owner of the stormwater control management system is allowed a term of five (5) years, beginning when the stormwater control management system is accepted by the Town per Town regulations, for the funds to be collected and retained by the owner of the stormwater control management system. A minimum of twenty percent (20%) of the required funds shall be collected and retained each of the five (5) years. Funds collected must be held in a segregated escrow account and used solely for the purposes of maintaining, repairing, replacing, and reconstructing the owners' stormwater control management system. Evidence of the fund balance shall be provided to the Town when the annual SCM inspection reports are submitted.

**11.4.3 Inspection Program.**

**A.** Inspections and inspection programs by the Town of Siler City shall be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in SCMs; and evaluating the condition of BMPs.[1]

**B.** If the owner or occupant of any property refuses to permit such inspection, the Zoning Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2, Administrative Search and Inspection Warrants or its successor. No person shall obstruct, hamper, or interfere with the Zoning Administrator while carrying out his or her official duties.

**11.4.4 Performance Security for Installation.**

The Town of Siler City requires the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit or final plat in order to ensure that the SCMs are installed by the permit holder as required by this Ordinance.

**1.** Sureties for installation shall be made payable to the Town of Siler City. Sureties for maintenance shall be made payable to the Homeowner's Association.

**2.** Amount. The amount of an installation performance security shall be the total estimated remaining construction cost of the SCMs approved under the permit, plus 25%.

**3.** Uses of Performance Surety

**a.** Forfeiture Provisions. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the applicant or owner in accordance with this Ordinance, approvals issued pursuant to this Ordinance, or an operation and maintenance agreement established pursuant to this Ordinance.

**b.** Default. Upon default of the owner to construct, maintain, repair and, if necessary, reconstruct any SCM in accordance with the applicable permit or operation and maintenance agreement, the Zoning Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the owner to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the Town of Siler City shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

**c.** Costs in Excess of Performance Surety. If the Town of Siler City acts upon such failure by the applicant or owner, the Town of Siler City may collect from the applicant or owner the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

**d.** Refund. Within sixty (60) days of the final approval, the installation performance surety shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus 25%) of landscaping installation and ongoing function and performance associated with the SCMs covered by the security. Any such landscaping, function, and performance shall be inspected one (1) year after installation with replacement for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

### 11.4.5 Notice to Owners and Owner Responsibilities

**A.** Deed Recordation and Indications on Plat. The applicable operations and maintenance agreement, conservation easement, pertaining to every SCM shall be referenced on the final plat and shall be recorded with the Chatham County Register of Deeds upon final plat approval. If no subdivision plat is recorded for the site, then the operations and maintenance agreement, conservation easement, shall be recorded with the Chatham County Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

**B.** Signage. Where appropriate in the determination of the Zoning Administrator to assure compliance with this Ordinance, SCMs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained to remain visible and legible.

**C.** Records of Installation and Maintenance Activities. The owner of each SCM shall keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same, upon reasonable request, to the Zoning Administrator.

**D.** Nuisance. The owner of each stormwater SCM, shall maintain it so as not to create or result in a nuisance condition.

**E.** Maintenance Easement. Every SCM installed pursuant to this Ordinance shall be made accessible for adequate maintenance and repair by a twenty (20) ft. maintenance easement. The easement shall be recorded, and its terms shall specify who may make use of the easement and for what purposes. The easement shall be free of encroachments and be traversable for typical construction equipment and vehicles.

### 11.4.6 Stormwater Management Facility Approval Prior to Certificate of Occupancy

**A.** Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual "as built" plans for all stormwater management facilities or practices after final construction is completed.

**B.** The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this Ordinance. A final inspection and approval by the Town shall occur before the release of any performance securities.

## 11.5 Illicit Discharges and Connections

The provisions of this Section shall apply to all of the area within the zoning jurisdiction of the Town of Siler City.

**A.** Illicit Discharges. No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

**1.** Water line flushing.

**2.** Landscape irrigation.

**3.** Diverted stream flows.

**4.** Rising ground waters.

**5.** Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)).

**6.** Uncontaminated pumped ground water.

**7.** Discharges from potable water sources.

**8.** Foundation drains.

**9.** Air conditioning condensation.

**10.** Irrigation water.

**11.** Springs.

**12.** Water from crawl space pumps.

**13.** Footing drains.

**14.** Lawn watering.

**15.** Individual residential car washing.

**16.** Flows from riparian habitats and wetlands.

**17.** De-chlorinated swimming pool discharges.

**18.** Street wash water; and

**19.** Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the Town.

Prohibited substances include, but are not limited to, oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

**B.** Illicite Connections

**1.** Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described above, are unlawful. Prohibited connections include, but are not limited to floor drains, wastewater from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and wastewater from septic systems.

**2.** Where such connections exist in violation of this Ordinance and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property owner or the person using said connection shall remove the connection within one year following the effective date of this Ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

**3.** The Zoning Administrator shall designate the time within which the connection shall be removed where it is determined that said connection:

**a.** May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or

**b.** Was made in violation of any applicable regulation or ordinance, other than this Ordinance.

In setting the time limit for compliance, the Zoning Administrator shall take into consideration:

**a.** The quantity and complexity of the work,

**b.** The consequences of delay,

**c.** The potential harm to the environment, to the public health, and to public and private property, and

**d.** The cost of remedying the damage.

**C.** Spills. Spills or leaks of polluting substances released, discharged to, or having the potential to release or discharge to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.

Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Chatham County Fire Marshall of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

**D.** Nuisance. Illicit discharges and illicit connections which exist within the Town of Siler City are hereby found, deemed, and declared to be dangerous or prejudiced to public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in Section 3.5 (Penalties and Remedies).

# Town of Siler City Unified Development Ordinance
# Appendix A
# Plan Submittal Requirements

## I. Submittal Requirements for all Development Applications Other Than Subdivisions
**Section I.1**

## II. Submittal Requirements for Site Plans, Conceptual Plans, and Master Development Plans

A. General Requirements for all Plan Types

B. Plan Types and Submittal Requirements

C. Documents and Written Information in Addition to Plans

D. Number of Copies of Plans and Documents Required by This Appendix

## III. Submittal Requirements for Subdivision Plats

A. Submittal Requirements for all Minor and Major Plats

B. Required Certifications

C. Required Statement for Private Roads

## I. Submittal Requirements for all Development Applications Other Than Subdivisions

### A. General Requirements for all Plan Types

**All Information Required**

All of the information listed in this appendix must be submitted with an application for a zoning permit, site plan, special-use permit, variance or conditional zoning to enable the permit-issuing authority to determine whether the development, if completed as proposed, will comply with all the requirements of this Ordinance. However, the permit-issuing authority may require more information or accept as sufficient less information according to the circumstances of the particular case. A developer who believes information presumptively required by this appendix is unnecessary shall contact the planning staff for an interpretation.

**Written Application**

Every applicant for a zoning permit, site plan, special-use permit, variance, or conditional zoning shall complete a written application containing at least the following information for the proposed development:

1. The name, address, and phone number of the applicant.
2. If the applicant is not the owner of the property in question, (i) the name, address, and phone number of the owner, and (ii) the legal relationship of the applicant to the owner that entitles the applicant to make application.
3. The date of the application.
4. Identification of the particular approval sought.
5. A succinct statement of the nature of the proposed development or the nature of the variance.
6. Identification of the lots or tracts by street, address, and tax map reference.
7. The zoning district(s) within which the proposal lies
8. The area in acres or square feet of each lot or tract.
9. The gross floor area of all existing and proposed buildings.
10. If the proposed development is a two-, three-, four-, or multi-family residential development or an architecturally integrated subdivision, the number of one-, two-, three-, or four-bedroom dwelling units proposed for construction.

## II. Submittal Requirements for Site Plans, Conceptual Plans, and Master Development Plans

### A. General Requirements for all Plan Types

Every application for a zoning permit, site plan, sign permit, special use permit, variance, or conditional zoning shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made, and legal features on and near the site in question in conformity with this Appendix.

As provided in Chapter 4 (Procedures), it is presumed that all of the information listed in this appendix must be submitted with an application for a zoning permit, sign permit, special-use permit, or conditional zoning to enable the permit-issuing authority to determine whether the development, if completed as proposed, will comply with all the requirements of this Ordinance. Applications for variances are subject to the same provisions. However, the permit-issuing authority may require more information or accept less information, as sufficient, according to the circumstances of the particular case. A developer who believes information presumptively required by this appendix is unnecessary shall contact the planning staff for an interpretation.
As also provided in Chapter 4 (Procedures), the administrator shall develop application processes, including standard forms, to simplify and expedite applications for simple developments that do not require the full range of information called for in this appendix. In particular, developers seeking only permission to construct single-family or two-family residences or to construct new or modify existing signs should contact the administrator for standard forms.

**All plans shall include a Location Map and shall be Drawn to Scale.**

**Location Map**
The plans shall include a location map that shows the location of the project in the broad context of the Town jurisdiction. This location map may be drawn on the development plans or it may be furnished separately using reduced copies of maps of the town's planning jurisdiction available at the planning and inspections department.

**Drawn to Scale**
Development plans shall be drawn to scale, using such scale that all features required to be shown on the plans are readily discernible. Very large developments may require that plans shown the development in sections to accomplish this objective without resort to plans that are so large as to be cumbersome, or the objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. In all cases, the Zoning Administrator shall make the final determination whether the plans submitted are drawn to the appropriate scale.

### B. Plan Types and Submittal Requirements

All of the features required to be shown on plans may be included on one set of plans, so long as the features are distinctly discernible and the Zoning Administrator approves of the scale. All lot dimensions shall comply with the requirements of Section 5.3 (Zoning District Dimensional Standards).

Development site plans shall show proposed new features, including, but not limited to, the following, as appropriate:

1. The number of square feet in every lot created by a new subdivision.

2. Lot dimensions, including lot widths measured in accordance with Section 5.3 (Zoning District Dimensional Standards).
3. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets, or street right-of-way.
4. Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing building heights and proposed wall sign or window sign area.
5. The location and dimensions of all recreational areas provided in accordance with Section 6.4 (Open Space), with each area designated as to the type of use.
6. Areas intended to remain as usable open space. The plans shall clearly indicate whether such open space areas are intended to be offered for dedication to public use or to remain privately owned.
7. Streets, labeled by classification according to NCDOT street classification standards and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private roads in subdivisions shall also be shown and clearly labeled as such.
8. Curbs and gutters, curb inlets and curb cuts, drainage grates.
9. Other storm water or drainage facilities, including manholes, pipes, drainage ditches, retention ponds, etc.
10. Sidewalks and walkways, showing widths and surface material.
11. Bridges
12. Outdoor illumination with lighting fixtures sufficiently identified to demonstrate compliance with Section 6.5 (Lighting Requirements).
13. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television. Water and sewer pipe line signs shall be labeled.
14. Aboveground utility lines and other facilities.
15. Fire hydrants.
16. Dumpsters
17. New contour lines resulting from earth movement (shown as solid lines) with no larger than two-foot contour intervals (existing lines should be shown as dotted lines).
18. Scale drawings of all signs requiring permits pursuant to Section 6.1 (Sign Regulations), together with an indication of the location and dimensions of all such signs.
19. Vehicle accommodation areas (including parking areas, loading areas, and circulation areas in compliance with Section 6.3 (Parking Standards), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel of lanes, aisles, and driveways.
20. Proposed plantings or construction of other devices to comply with the screening requirements of Section 6.2 (Landscaping Standards), as well as proposed plantings of trees to comply with the shading requirements of Appendix D. Plans shall label shrubbery by common or scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, show the circles of the mature crowns (major trees shall be drawn at diameter = 30 feet; dwarf or decorative trees shall be drawn at their actual mature crown), and indicate the height at the time of planting.

**C.** Documents and Written Information in Addition to Plans

In addition to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested:

1. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested or is the duly appointed agent of such person.
2. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, as set forth in Subsection 8.2.6 (Utilities), and that all necessary easements have been provided.
3. Detailed description of play apparatus or other recreational facilities to be provided in miniparks.
4. Legal documentation establishing homeowners associations or other legal entities responsible for control over required common areas and facilities.
5. Bonds, letters of credit, or other surety devices.
6. Stamped envelopes containing the names and addresses of all those to whom notice of a public hearing must be sent to comply with Chapter 4 of the UDO.
7. Complete documentation justifying any requested deviation from specific requirements established by this Ordinance as presumptively satisfying design standards.
8. Written evidence of permission or written evidence of good faith to use satellite parking spaces under the control of a person other than the developer when such spaces are allowed pursuant to Subsection 6.4.D (Off-site Parking).
9. Verification that uses will meet the performance standards set forth in Chapters 6 and 7 of the UDO. Such verification shall be made by a licensed engineer or other qualified expert unless it is utterly apparent from the nature of the proposed development that such expert verification is unnecessary.
10. Time schedules for the completion of phases in staged development, as required by Chapter 4 of the UDO.
11. The environmental impact of a development, including its effect on historical significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.

**D.** Number of Copies of Plans and Documents Required by This Appendix

The developer shall submit the number of copies the zoning administrator deems necessary to expedite the review process and to provide necessary permanent records.

## Section III. Submittal Requirements for Subdivision Plats

No construction of improvements shall commence before all certifications have been completed at the appropriate level of approval.

**A.** Submittal Requirements for all Minor and Major Plats

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS | | | | |
|---|---|---|---|---|
| **INFORMATION REQUIRED** | **EXEMPT PLAT** | **MINOR PLAT** | **MAJOR PRELIM. PLAT** | **MAJOR FINAL PLAT** |
| **MAP SIZE AND MATERIALS** | | | | |
| Plat is 18X24", 21X30", or 24X36" in size | R | R | R | R |
| Legible black ink on mylar | R | R | R | R |
| **TITLE BLOCK** | | | | |
| Property Designation / Name of Subdivision | R | R | R | R |
| Type of plat (minor plat, preliminary plat, etc.,) | | R | R | R |
| Name of Property Owner | R | R | R | R |
| Township, County and State | R | R | R | R |
| Date the survey was prepared & any revision dates | R | R | R | R |
| Scale in words (Ex. 1"=200 feet) | R | R | R | R |
| Bar graph | R | R | R | R |
| Name, address, and telephone # of surveyor | R | R | | R |
| The names, addresses, and telephone # of all owners, surveyors, architects, and engineers responsible for the subdivision | | | R | R |
| **GENERAL INFORMATION** | | | | |
| Zoning district(s) of property & abutting properties | | R | R | R |
| Parcel ID Number(s) | | R | R | R |
| Plat book and/or deed book reference | R | R | R | R |
| Names of abutting property owners | R | R | R | R |
| Vicinity map | R | R | R | R |
| Corporate limits & county lines | R | R | R | R |
| Surveyor and/or engineer original signature, seal, & registration # | | | R | |
| Surveyor's original signature, seal, & registration # | R | R | | R |
| North arrow and orientation | R | R | R | R |
| Course and distance of existing and proposed property lines (label old property lines) | R | R | R | R |
| Tied to nearest street intersection if within 300 feet | | R | | R |
| Tied to USGS marker if within 2000 feet | R | R | | R |

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS | | | | |
|---|---|---|---|---|
| **INFORMATION REQUIRED** | **EXEMPT PLAT** | **MINOR PLAT** | **MAJOR PRELIM. PLAT** | **MAJOR FINAL PLAT** |
| All corners of proposed and, where practical, of adjacent properties, marked by monument or natural object | | R | | R |
| Minimum 2 control corners present when creating a new road right-of-way | R | R | | R |
| Location and type of all existing buildings including distance to property lines | R | R | | |
| Location of all existing and proposed buildings (if applicable) including distance to property lines | | | R | R |
| Square footage of all lots under 1 acre in size and acreage for all lots over 1 acre in size | | R | R | R |
| Lots numbered consecutively | | R | R | R |
| Lines not surveyed must be clearly indicated (include source data) | R | R | R | R |
| All mapping shall comply with G.S. 47-30 | R | R | | R |
| Required Certificates | See Subsections a. through 0. Following this table. | | | |
| If more than one sheet, each sheet must be signed, sealed, and numbered (ex. 1 of 3, 2 of 3, 3 of 3) | | | | |
| **AMENITIES & NATURAL FEATURES LAYOUT** | | | | |
| Location, dimension, and details of proposed recreation areas and facilities (golf courses, clubhouses, pools, tennis courts, playgrounds, etc.) | | | R | R |
| Required landscaping / perimeter buffer | | | R | R |
| Riding trails, pedestrian, or bicycle paths | | | R | R |
| Areas to dedicated as common area or open space –label the future ownership (HOA, dedication for public use to governmental body, etc.) | | | R | R |
| Areas to be used for uses other than residential | | | R | R |
| Name and location of any property or building on the National Register of Historic Places | | | R | R |
| Wetlands, marshes, pond, lakes, streams, railroads, and bridges (Certification statement and riparian buffer areas when included on a lot required on Family and Minor Plats) (DELINEATION AND BUFFERS REQUIRED ON MAJOR PLAT) | | | R | |
| Location of any floodplain areas as shown on FEMA Flood Insurance Rate Maps | R | R | R | R |

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS | | | | |
|---|---|---|---|---|
| **INFORMATION REQUIRED** | **EXEMPT PLAT** | **MINOR PLAT** | **MAJOR PRELIM. PLAT** | **MAJOR FINAL PLAT** |
| Existing and proposed topography of tract and 100 feet beyond property showing contour intervals of no greater than 5 feet | | | R | |
| Existing and proposed entrance signs (if applicable) including sight triangles and located outside the ROW | | | R | R |
| **UTILITY LAYOUT** | | | | |
| A note indicating that the proposed subdivision will be served by either a central or individual water supply | | | R | |
| A note indicating that the proposed subdivision will be served by either a central or individual sewer / septic system | | | R | |
| Water & Sewer - Connections to existing systems, line sizes, material of lines, blowoff & valves, manholes, catch basins, force mains, location of fire hydrants | | | R | |
| Storm drains, swales, detention ponds, & other drainage facilities, if any | | | R | |
| Natural gas lines | | | R | |
| Electric Lines | | | R | |
| Telephone Lines, Cable TV, etc. | | | R | |
| Utility and other easements | | | R | |
| Any additional information determined by reviewing agencies that may be required to review plat | | | R | |
| **STREET LAYOUT** | | | | |
| Proposed and existing rights-of-way – label public or private streets | R | R | R | R |
| Right-of-way & pavement location, widths, & dimensions | | | R | R |
| Cul-de-sac pavement diameter | | | R | |
| Approximate grades | | | R | |
| Typical detailed cross section(s) | | | R | |
| Existing and proposed street names | | | R | R |
| **SUBDIVISION INFORMATION & CALCULATIONS TABLE** | | | | |
| Classification of Watershed Overlay District (if required) | | R | R | R |
| Existing & Proposed use(s) of land | | | R | |
| Existing & Proposed zoning classification(s) | | | R | |

| TABLE OF SUBDIVISION APPLICATION REQUIREMENTS | | | | |
|---|---|---|---|---|
| **INFORMATION REQUIRED** | **EXEMPT PLAT** | **MINOR PLAT** | **MAJOR PRELIM. PLAT** | **MAJOR FINAL PLAT** |
| Front, side, rear setback requirements | | | R | |
| Acreage in total tract to be subdivided | | R | R | |
| Acreage in recreation & open space (label) | | | R | |
| Total number of lots proposed | | | R | |
| Estimated linear feet in streets | | | R | |
| Linear feet in streets | | | | R |
| Estimated percent of entire project to be covered with impervious surfaces, including totals by phase | | | R | |
| Percent of entire project to be covered with impervious surfaces, including totals by phase | | | | R |
| Separate impervious surface totals by streets, sidewalks, maximum allowed for each lot, etc. | | | | R |
| **PERMITS AND OTHER DOCUMENTATION REQUIRED BEFORE FINAL PLAT APPROVAL** | | | | |
| Construction plans for all infrastructure / improvements (such as streets, water, sewer, hydrants, stormwater, etc. Approval is required by appropriate agencies before construction begins) | | | | R |
| Stormwater management plan | | | R | |
| Inspection results of all improvements | | | | R |
| As built drawings of all improvements | | | | R |
| NCDEQ Approval of the Erosion & Sediment Control Plan (if disturbing more than 1 acre) | | | | R |
| NCDOT Approval of Driveway Access Permit | | | | R |
| Wetland delineation of property | | | | R |
| US Army Corp of Engineers Approval of earth disturbing activities in Wetlands (if applicable) | | | | R |
| Submit copy of HOA agreement to be approved by the Administrator | | | | R |
| Any other information the Administrator deems necessary to determine compliance with this Ordinance | | | R | R |

**B.** Certifications Required for Major Subdivision Plats

| TABLE OF SUBDIVISION CERTIFICATION REQUIREMENTS | | | | |
|---|---|---|---|---|
| **TYPE OF CERTIFICATE OR STATEMENT** | **EXEMPT PLAT** | **MINOR PLAT** | **MAJOR PRELIM. PLAT** | **MAJOR FINAL PLAT** |
| Certificate of Survey Accuracy | R | R | | R |
| Certificate of Purpose of Plat | R | R | | R |
| Review Officer Certification | R | R | | R |
| Certificate of Ownership and Dedication | | | R | R |
| Certificate of Exemption | R | | | |
| Certificate of Minor Subdivision Plat | | R | | |
| Certificate of Preliminary Major Subdivision Plat | | | R | |
| Certificate of Final Major Subdivision Plat Approval | | | | R |
| NCDOT Div. of Highways District Engineer Certificate | | | | R |
| Public Street Maintenance Disclosure Statement | | | | R |
| Private Roads Disclosure Statement | | | | R |
| Certificate of Approval of the Design and Installation of Streets, Utilities, and Other Required Improvements | | | | R |
| Utilities Certificate | | | | R |
| Public Water Supply Watershed Protection Statement (if within a watershed district) | | R | R | R |
| Licensed Soil Scientist Certificate | | | | R |

**a. Certificate of Survey and Accuracy**

I, , certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book , page __, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book __, page __; that the ratio of precision or positional accuracy as calculated is _; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number, and seal this _ day of , A.D., 20_.

Seal or Stamp of Surveyor _____

Professional Land Surveyor
License Number

**b. Certificate of Purpose of Plat**

*The final plat shall contain one of the following statements, signed and sealed by the plat preparer:*

a. This survey creates a subdivision of land within the jurisdictional area of the Town of Siler City, North Carolina and that the Town 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 or one or more existing easements and does not create a new road or change an existing street. For the purpose of this section, an "existing parcel" or "existing easement" is an area of land described in a single, legal description or legally recorded subdivision that has been or may be legally conveyed to a new owner by deed in its existing configuration.
    2. This survey is of an existing feature, such as a building or other structure, or natural feature, such as a water course.
    3. This survey is a control survey. For the purposes of this section, a "control survey" is a survey that provides horizontal or vertical position data for support or control of other surveys or for mapping. A control survey, by itself, cannot be used to define or convey rights or ownership.
    4. That the survey is a proposed easement for a public utility as defined in G.S. 62-3.
d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exemption to the definition of subdivision.
e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in (a) through (d) above.

| _____ | _____ | _____ | _____ |
|---|---|---|---|
| Signed: | Surveyor | SEAL | Date |

**c. Review Officer Certificate**

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

| _____ | _____ |
|---|---|
| Review Officer | Date |

**d. Certificate of Ownership (Minor Subdivision Plats Only)**

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of the Town of Siler City, North Carolina, and that I hereby freely adopt this plan of subdivision.

| _____ | _____ |
|---|---|
| Owner | Date |

**e. Certificate of Ownership (Major Subdivision Plats)**

I hereby certify that I am the owner of the property shown and described hereon, which is located within the subdivision regulation jurisdiction of the Town of Siler City, North Carolina, that I hereby freely adopt this plan of subdivision and dedicate all streets, alleys, parks, open

space, and other sites and easements to public or private use as noted, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority.

_____ _____
Owner Date

_____ _____
(Notarized) Date

**f. Certificate of Exemption**

I hereby certify that the division of property shown and described hereon is exempt from the Town of Siler City Subdivision Ordinance by definition and/or ordinance.

_____ _____
Subdivision Administrator Date

**g. Certificate of Minor Subdivision Approval**

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with Chapter 8 (Subdivision Regulations) of the Unified Development Ordinance, and that this plat has been approved by the Town of Siler City Planning and Community Development Director, subject to its being recorded in the Chatham County Register of Deeds within sixty (60) day of the date below.

_____
Date

_____
Planning Director

**h. Certificate of Preliminary Major Subdivision Approval**

I hereby certify that the Board of Commissioners of the Town of Siler City, North Carolina approved on the ____ day of _____, 20_the preliminary plan of subdivision as shown on this plat. Preliminary approval is valid for a period of 24 months from the above date or as established under the vested rights procedures, if applicable.

_____ _____
Subdivision Administrator Date

**i. Certificate of Final Major Subdivision Plat Approval**

I hereby certify that all streets shown on this plat are within the Town of Siler City's planning jurisdiction, all streets and other improvements shown on this plat have been installed or

completed or that their installation or completion has been assured by the posting of a performance guarantee, and that the subdivision shown on this plat is in all respects in compliance with Chapter 8 (Subdivision Regulations) of the Unified Development Ordinance, and therefore this plat has been approved by the Town of Siler City Planning Director subject to its being recorded in the Chatham County Register of Deeds within sixty (60) days of the date below.

_____ _____

Planning & Community Development Director Date

**j. NCDOT Division of Highways District Engineer Certificate (if roads will be part of the NCDOT maintenance system.**

I hereby certify that the public streets shown on this plat have been completed, or that a performance guarantee has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards of the State Department of Transportation for acceptance of subdivision streets on the state highway system for maintenance.

_____ _____

District Engineer Date

**k. Certificate of Approval of the Design and Installation of Streets and Other Required Improvements**

I hereby certify that I have inspected and find that all streets and other required improvements as shown on the preliminary and final plats of the Subdivision have been installed in an acceptable manner and according to County and State specification and standards.

_____ _____ _____ _____

Licensed Professional Seal Registration Number Date

**l. Private Street Disclosure Statement (if roads will be private and maintained by Home Owners Association or other private entity)**

*The following statement shall be placed on all subdivision plats that include private streets:*
'The maintenance of streets designated on this plat as 'private' shall be the responsibility of property owners within this development having access to such roads. Private streets as shown hereon will not be included, for maintenance purposes, in the North Carolina highway system. Neither the Town of Siler City nor the North Carolina Department of Transportation will maintain a private street.'

**m. Public Utilities Statement (if public water/sewer is utilized)**

I certify that the plat shown hereon complies with the Town of Siler City Watershed Ordinance and is approved by myself, as agent for the Watershed Review Board for recording in the Chatham County Register of Deeds Office.

_____ _____

Subdivision Administrator Date

NOTICE: This property is in Located within a Public Water Supply Watershed – Development Restrictions May Apply.
Include the following when applicable
Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Office of the County Register of Deeds in Book Page .'

**n. Public Water Supply Watershed Protection Certificate**

I certify that the plat shown hereon complies with the Town of Siler City Watershed Ordinance and is approved by myself, as agent for the Watershed Review Board for recording in the Chatham County Register of Deeds Office.

_____ _____

Subdivision Administrator Date

NOTICE: This property is in Located within a Public Water Supply Watershed – Development Restrictions May Apply.

*Include the following when applicable*
Any engineered stormwater controls shown on this plat are to be operated and maintained by the property owners and/or a property owners' association pursuant to the Operation and Maintenance Agreement filed with the Office of the County Register of Deeds in Book___Page__

**o. Licensed Soil Scientist Certificate**

I hereby certify that the lot(s) on this plat have been evaluated under the current provisions of Title 15A NCAC 18A.1900 et seq., and have found to have adequate space for an on-site individual private water source and on-site subsurface sewage treatment and disposal system. NOTE: Due to variations in siting specific uses and potential for changes in regulation or soil conditions, issuance of a Well Permit or Improvement Permit by Chatham County Department of Environmental Health is not guaranteed.

_____ _____ _____

Date Licensed Soil Scientist License No.

**C. Required Statement for Private Roads**

No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notation:

"Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Siler City Unified Development Ordinance".

"The policy of the Town of Siler City is that, if the Town improves streets (i) that were never constructed to the standards required in the Unified Development Ordinance for dedicated streets, and (ii) on which seventy-five (75) percent of the dwelling units were constructed after the effective date of this ordinance, then one hundred (100) percent of the costs of such improvements shall be assessed to abutting landowners".

The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchases of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road.

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# Town of Siler City Unified Development Ordinance
# Appendix B
# Traffic Impact Analysis (TIA)

## L-1 Purpose And Definition

Traffic impacts, and how to mitigate them, are an important consideration for our community when a significant development is proposed. Public policy makers, citizens, and developers all have a stake in understanding and responding to additional demands on the transportation system. The effects of increased traffic may be evaluated at two points during the development process: During rezoning, if rezoning is required, and at the site plan approval stage if zoning is already in place.

*Rezoning*: During the rezoning process, an applicant may be asked to furnish an estimate of the number of dwellings to be built or the number of employees working at the proposed business. This is called the "Traffic Assessment" and will be based on 10 trips/day/dwelling unit or two trips/day/number of employees on the largest shift.

*Site Plan Approval:* When a site plan is submitted, an applicant may be required to furnish a detailed study of the traffic generated by the development. This is called a "Traffic Impact Analysis" (TIA) and is a tool used to evaluate the incremental impacts that development, redevelopment and/or change or development use may have on the surrounding transportation system. It may identify certain mitigation measures that are necessary to maintain safety and integrity of the transportation network.

## L-2 Responsibility For TIA

After a completed development application ~~(zoning permit, rezoning, etc.)~~ has been filed, ~~and upon initial submittal of a site or sketch plan~~, the Town of Siler City (Town) Planning Director or his/her designee shall determine the need for a TIA. ~~Types of development applications could include, but are not limited to, multifamily residential, single family residential, commercial, or industrial.~~ If warranted, the transportation consultant approved by the Town shall prepare the TIA. At the discretion of the North Carolina Department of Transportation (NCDOT) and the Town, a Transportation Technical Memorandum (TTM), in lieu of a full TIA report, may be allowed for some developments. If proposed street connections are not consistent with adopted plans, Town policies, or professional standards, then an explanation or proposed transportation mitigation alternative that is equal to or better should be discussed in the study. The NCDOT and the Town will be responsible for determining whether the alternative mitigation plan meets and/or exceeds the performance standards of the proposed street connections in the adopted plans and policies. The TIA review schedule will be determined as agreed to on the Town's TIA scoping requirements, generally based on the number of study intersections.

## L-3 Minimum Thresholds For TIAs

A TIA will be required to accompany a development plan when expected gross trip generation is 1000 total trips or more both entering and exiting the site in a 24-hour period, and/or 100 total trips both entering and exiting the site during either the AM or PM peak (prior to any trip reductions are applied)- see L-8(h) below. The gross trip generation will be calculated by the Town based on information (proposed project summary and development plan) provided by the applicant and the final determination for requiring the TIA will be by the Town Planning Director. In the event that a site does not generate 1000 total trips both entering and exiting a site in a 24 hour period, and/or 100 total trips both entering and exiting the site during the AM or PM peak, a TIA may still be required for any site or sketch plan if the subject development reduces an intersection's level-of-service (LOS), and/or poses a potential safety challenge to the public or as otherwise set forth herein. The latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual shall be used to determine the expected gross traffic volumes a specific site and/or a specific use will generate. The Town Planning Director or his/her designee may also determine the need for a TIA or TTM based on special circumstances associated with the development and may determine that a TIA is still necessary even if the gross trips fall below this threshold. This may be due to location, an intersection or thoroughfare nearby that is at or above capacity, public safety concerns, sight distance, existing congestion issues within the vicinity of the site, or the nature of the use. The Town may also require a TIA

and/or TTM in any of the following scenarios:

1. Traffic generated from a non-residential development that could potentially significantly impact adjacent residential neighborhoods
2. Traffic operation problems/issues for current and/or future years on nearby streets are expected to be significantly aggravated by traffic generated from the proposed new development
3. Major and minor thoroughfares near the site are experiencing noticeable/significant/unacceptable delays
4. Traffic safety issues exist at the intersection or street that would serve the proposed new development
5. The proposed land use differs significantly from the adopted Land Use Plan for the Town
6. The internal street or access system is not anticipated to accommodate the expected traffic generation
7. The proposed development project includes a drive through facility, or other uses such as schools that require significant on-site circulation that may have an off-site impact to adjoining roads and/or intersections
8. The amount, assignment, behavior, and/or character of traffic is significantly different from a previously approved TIA, or more than 24 months have passed since completion of the previous TIA.

**L-4 Scoping Meeting**

A mandatory scoping meeting is required prior to beginning the TIA to discuss the requirements and strategies for a TIA specific to the site and the proposed development. Background information shall be submitted by the applicant five or more business days prior to the scoping meeting and shall include a conceptual site plan showing proposed access points, proposed land use and densities, structures, and parking envelopes. The Town, the transportation consultant approved by the Town, and the applicant(s) are required to attend the mandatory scoping meeting and the NCDOT district staff will be invited and encouraged to attend if access to a state road is involved. The applicant may invite members of his/her development team as needed.

**L-5 Memorandum of Understanding (MOU)**

An MOU shall be prepared by the transportation consultant approved by the Town documenting the understood scope and parameters of the project. The MOU shall be signed by the applicant, the Town, and the NCDOT District Engineer if access to a state road is involved before the consultant can begin work on the TIA. ~~Failure by the applicant to provide accurate information or failure by the assigned transportation consultant to follow the MOU shall result in disapproval of the TIA. If significant changes are made to the scoping parameters documented in the MOU, a revised MOU will be required.~~

**L-6 Fees**

After the scoping meeting, the transportation consultant approved by the Town shall submit a summary of consultant fees for preparing the TIA to the Town. Per the MOU, the applicant(s) shall agree to provide payment in full to the Town for preparation of the TIA so that the Town can release the work to the consultant. ~~The Town may require all or a portion of the estimated fees to be paid to the Town prior to the commencement of the work. Any additional service incurred by the transportation consultant in addition to the MOU must be approved by the Town and agreed to and paid for by the applicant prior to performance of the additional work.~~

**L-7 Transportation Mitigation Agreement (TMA)**

1. Upon completion of the TIA, certain on or off-site transportation mitigation measures may be required as recommended by the TIA. If so, the transportation consultant approved by the Town shall prepare a Transportation Mitigation Agreement (TMA) which will summarize the following:
    1. Development plan
    2. Phasing and timing of development (if applicable)
    3. Site access and points of ingress/egress
    4. On and off-site improvements required to adequately mitigate the project impacts to the Town's transportation system, including vehicular, pedestrian, and bicycle improvements.
    5. Trigger points and deadlines for construction of any improvements.

2. The TMA must be signed by the applicant, Town and the NCDOT District or Division Engineer if the mitigation involves a state roadway. All required mitigation measures must be implemented:
    1. prior to final Certificate of Occupancy (CO), or
    2. the applicant(s) shall provide a cost estimate to the Town for review, and provide a payment in lieu for said measures prior to CO; or
    3. prior to the issuance of the first Zoning Permit for residential developments.
3. If the development program is planned to be developed in phases, the TIA shall address improvements for each phase of development. A TIA approved for all phases of development shall be considered to be approved for each phase provided there are no changes to the transportation demand generated by the approved plan of development. applicant shall provide a performance guarantee as outlined in the Town's Unified Development Ordinance in the amount of 125% of all phased transportation improvements prior to issuance of the CO or Zoning Permit for the first phase. The cost estimate will include costs for planning/design, permitting, construction, and right-of-way.

**L-8 TIA Outline And Contents**

The outline and contents of what is required to be included in the TIA will be discussed at the scoping meeting and included in the MOU. A detailed summary of the expected content and methodologies to be used in the TIA are discussed below. Please note that if the development will exceed the NCDOT daily trips threshold, the applicant's approved consultant will need to submit an NCDOT Traffic Impact Analysis Needs Screening/Scoping Request to NCDOT.

1. Cover/Signature page – Includes the project name, location, name of the applicant, contact information for the applicant, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and registered professional engineer in the State of North Carolina are also required to appear on this page.
2. Table of Contents – Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices, in the TIA report.
3. Executive Summary – Includes a description of the study findings, a general description of the project scope, study horizon years, expected/probable transportation impacts of the project, and mitigation measure recommendations. Technical publications, calculations, documentation, data reporting, and detailed design should not be included in this section.
4. Project Description – Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, anticipated completion dates (including phasing). It shall also include the square footage of each use and/or the number and size of dwelling units proposed and shall also include a map and copy of the site plan provided by the applicant(s).
5. Site Description – Includes a description of the project location within the Town and region, existing zoning and use (and proposed use if applicable), and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.
6. Site Access – Includes a complete description of the ingress/egress of the site should be explained and depicted. It shall include number of driveways, their locations, distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.) types of driveways (two-way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), parking lots, sidewalks, and bicycle lanes, and designated loading/unloading areas shall also be described. Similar information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal connections. The design, number, and location of access points to collector and arterial roadways immediately adjacent to the site must be fully analyzed. The number of access points shall be kept to a minimum and designed to be consistent with the type of roadway facility. Driveways serving the site from state roads shall be designed in accordance with the NCDOT's Policy on Street and Driveway Access, and/or the Town standards, as applicable.

7. Study Area – The limits of the study shall be based on the location, size and extent of the proposed project, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIA shall be reviewed and approved by the Town and NCDOT staff at the mandatory scoping meeting. At a minimum, the study area shall include all streets and signalized intersections within a 1-mile radius of the proposed site and/or where site traffic estimated for build-out of the project will constitute 10% or more of any signalized intersection approach during the peak hour. During the scoping meeting, staff may reduce the radius due to conditions specific to the site based on request by applicant and supported with valid reasoning. Unsignalized intersections between the required signalized intersections will be added to the scope as directed by the Town. To initially determine the impacts, the Town will maintain a database of recent peak-hour intersection turning-movement counts. The applicable intersections counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the applicant, a preliminary trip generation analyses, distribution and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Due to related impacts or current operational problems, town staff and/or NCDOT staff may require other intersections be included in the study area. A narrative describing the study area shall identify the location of the proposed project in relation to the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., CATS bus service and future plans) shall be mentioned. A site location map shall be provided and shall identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.
8. Existing Conditions – Shall include a narrative and map that represents AM and PM peak-hour turning-movement volumes for all intersections within the study area. Traffic volumes shall represent 15-minute interval weekday turning-movement counts (Tuesday through Thursday), include heavy-vehicle, pedestrian and bicycle counts, no more than twelve months old and shall be collected during periods of the year when local schools are in session and during weeks that have no observed federal, state, or local holidays and periods. The required count timeframes are from 6:30 am-8:30 am and 2:00 pm-7:00 pm. The PM count timeframe is expected to cover peaking characteristics caused by shift changes for local industrial plants, local area school dismissal times, as well as typical employment PM peaking characteristics; however, site-specific conditions may necessitate additional or different traffic counting hours and/or days depending on the development program and location within the Town (these unique circumstances will be determined and directed by the Town). For example, 12- or 16-hour turning movement counts shall be required to complete the analysis if a traffic signal warrant analyses is required as part of the TIA. The Town will determine if additional peak hours or weekend analyses shall be included in the TIA at the mandatory scoping meeting. For example, if the development is nearby a school that significantly alters traffic volumes at times other than the peak hours described above, additional study hours will be required. Traffic volumes shall also represent weeks that have no observed federal, state, or local holidays and periods of the year when local schools are in session. The source of existing traffic volume information should be explicitly stated (e.g., Town counts, new counts collected by the applicant, NCDOT counts, etc.). If previous counts were obtained, only counts collected within the one year of the Scoping Meeting will be deemed acceptable. Summary sheets for existing turning movement counts shall be included in the appendix of the TIA report. A separate narrative and map shall be prepared to describe the characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions investigation may be included in the appendix of the TIA report.
9. Future Year Conditions – Unless otherwise approved by the Town, future year conditions for a single-phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five years after the build-out year (build-out + 5). For multiple-phased development, the scenarios shall be completed in order, with any improvements specified by the development included in the subsequent build scenarios, including five years after the full build-out year (build-out + 5). Specific

analysis periods to include in the study shall depend greatly upon the development program, proposed project phasing plan, and significant improvements programmed for the surrounding transportation system. The approved off-site developments and transportation projects to be included in the base future-year background conditions for the transportation system within the study area shall be determined during the scoping meeting. Transportation improvements assumed in the future-year background conditions analyses may include those with an expected completion date concurrent with that of the development and funded through either by the Town, NCDOT, or indicated as a required condition of approval from another nearby development application. Only projects approved by the Town at the scoping meeting may be included in the analysis as future existing infrastructure. Those improvements committed by other projects must be clearly identified in the report as approved offsite development road improvements. Adjacent development traffic information used in the development of the future year background traffic volumes shall be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned in the TIA, but the description shall specifically identify that these projects are not included in the background condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development approved by the Town but not yet built. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base traffic volumes, other development volumes, and site traffic volumes shall be clearly separated, and combined in the map.

10. Trip Generation – Base trip generation for the proposed land use(s) shall be calculated using data published in the latest version of the ITE Trip Generation Manual. Data limitations, data age, choice of peak hour of adjacent street traffic, choice of independent variable, and choice of average rate versus equation shall be discussed at the mandatory scoping meeting. Local trip generation rates may be acceptable if appropriate validation is provided by the applicant to support them. Any deviation from the ITE trip generation rates shall be discussed in the mandatory scoping meeting and documented in the MOU if approved by the Town and NCDOT. The NCDOT Municipal School Transportation Assistance (MSTA) calculator shall be used to calculate trip generations for school sites.
    1. Internal Capture – Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed using methodology recommended in the most current Trip Generation Handbook published by the ITE, or research published by the National Cooperative Highway Research Program (NCHRP) Transportation Research Board. Reductions for internal capture shall be applied to multi- or mixed-use sites only, and reductions greater than 10% in any peak hour require consultation and acceptance by the Town and NCDOT. The internal capture reduction shall be applied before pass-by trips are calculated.
    2. Pass-by Trips – Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by rate of pass-by capture using methodology recommended in the most current Trip Generation Handbook published by the ITE. Pass-by trips associated with the development program may not exceed 10% of the existing peak-hour volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, a site access drive that connects to a low-volume local street, which its primary access is to a major collector road, the traffic on the major collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specific of each site. A trip generation table shall summarize all trip generation calculations for the project.
11. Trip Distribution – External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, or professional judgment. At the Town's direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures

followed and logic for estimating trip distribution percentages must be well-documented in the TIA. Trip distribution percentages proposed for the surrounding transportation network shall be discussed during the scoping meeting and shall be approved by the Town and NCDOT before proceeding with the TIA. A map showing the percentage of site traffic on each street included in the study area should be included in the TIA.

12. Trip Assignment – Project traffic shall be distributed to the surrounding transportation system based on the site's trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus project traffic) shall be represented in graphic formats for AM and PM peak-hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the driveways and access point for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop-controlled vs. signalized).
13. Capacity Analysis – The TIA shall include multi-modal operations analyses including vehicular, pedestrian and bicycle, to allow for the safe and convenient travel for all modes. LOS and delay are the primary measures of effectiveness for impacts to the transportation system and is defined by the most current edition of the Highway Capacity Manual (HCM). Capacity analyses shall be performed for the existing and all future year scenarios, as described in L-8(q). Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions. Requirements for mitigation are described in L-8(q).
    1. Vehicular Capacity Analysis. Unless otherwise noted, Synchro LOS and delay shall be reported for all signalized intersections and approaches identified in the study area. Based on HCM, LOS for unsignalized intersections is not defined as a whole; instead, only the individual stop-controlled or yield approaches shall be reported based on the HCM reports determined through the Synchro analysis. Existing signalized intersections shall be modeled based on existing signal timing plans provided by either the Town or NCDOT. Existing signal timing plans shall be included in the appendix of the TIA report. If a traffic signal is part of a coordinated system, it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections shall be consistent with the most recent guidelines published by the NCDOT, Traffic Engineering and Safety Systems Branch, Congestion Management Unit ("Capacity Analyses Guidelines"). The Town may also require safety, traffic simulation, gap, and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or simulation tools (such as VISSIM) required for the TIA shall be identified during the scoping meeting. Capacity calculations shall be included for the existing and all future year scenarios, as described in L-8(i). Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions. Requirements for mitigation are described in L-8(q). All TIA reports submitted to the Town shall use SYNCHRO, SimTraffic, VISSIM, and/or Transmodeler analysis software for signalized and unsignalized intersections, or Sidra Software for roundabouts, consistent with policies released by the NCDOT. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions of the intersections reported in LOS (LOS A – F), intersection and approach signal delay for signalized intersections, approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and auxiliary turn lane warrants for unsignalized intersections shall be included in the appendix of the TIA report.
    2. Pedestrian Operations Analysis – Unless otherwise noted, methodology provided in the latest edition of the HCM shall be used to evaluate pedestrian LOS for the intersections identified in the study area. The current methodology is based on geometric data, demand data, and signal control data including, but not limited to:
        1. Number of lanes on the major street

2. Crossing distance
3. Traffic Volumes
4. Motorist yielding rates to pedestrians
5. Cycle Length
6. Walk Time
7. Presence of pedestrian phase

3. Bicycle Operations Analysis – The bicycle LOS at intersections identified in the study area shall be evaluated using locally accepted methodology. This current methodology assesses bicyclists' comfort based on geometric and traffic signal features including, but not limited to:
    1. Number of lanes crossed
    2. Presence of conflicting turning movements
    3. Presence of bike lanes

    Under this methodology, intersection features are assigned points, where the LOS for each approach is calculated based on the accumulation of points for each geometric and traffic signal feature identified in the worksheet. Currently, this methodology does not take into account demand volumes; therefore, the bicycle LOS would not differ between AM and PM peak hours, and thus would not need to be reported for both under this methodology.

14. Queuing Analysis – 95th percentile and simulation analysis of future year queues shall be consistent with NCDOT's Traffic Engineering and Safety Systems Branch, Congestion Management Unit current practices and published Capacity Analyses Guidelines. Turn lanes and storage lengths for the major street (uncontrolled) approaches at unsignalized intersections shall be identified using volume thresholds published in the NCDOT's Policy on Street and Driveway Access to North Carolina Highways (see Warrant for Left- and Right-Turn Lanes Nomograph, pg. 80). Recommendations for left and right turn lanes serving the site shall be designed to both account for the NCDOT warrants described above and to meet future year capacity needs identified through the capacity analyses in the TIA report. For projects that include drive-through facilities, pick-up/drop-off areas, or entrance gates, a queuing analysis may be required by the Town to ensure that vehicle stacking will not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures approved by the Town. If a TIA is required for a new school site, the internal circulation and ingress/egress of the site shall be modeled using a "dummy signal" in the SYNCHRO software as prescribed by NCDOT MSTA department.
15. Crash Analysis – A summary of crash data (type, number, and severity) for the most recent 3-year period at each study location is required. Traffic Engineering Accident Analysis System reports will be provided by the Town and/or NCDOT and should be included in the appendix of the TIA report. For locations with prevalent crash types and/or frequency, a discussion shall be included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in the existing crash/collision rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.
16. Traffic Signal Warrants – Town staff and NCDOT may consider potential signal locations at the scoping meeting. However, traffic flow progression is of paramount importance when considering a new traffic signal location. A new traffic signal shall not cause an undesirable delay to the surrounding transportation system. Installation of a traffic signal at a new location shall be based on the application of warrants criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants should be included in the appendix of the TIA report. Additionally, spacing of traffic signals within the Town must adhere to NCDOT requirements. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions. If a signal warrant analyses is recommended in the TIA, the Town and/or NCDOT may decide to defer a signal warrant analysis until after the development has opened in order to use actual turning movement counts at an intersection. The TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The applicant must

issue a bond or letter of credit in the name of the Town for the estimated cost of the signal warrant analysis and resulting signal prior to final approval:

1. by the engineer of record for the applicant; and
2. of the TIA

However, final approval of the dollar amount rests with the Town.

17. Mitigation Measure Recommendations
    1. This section of the TIA report shall provide a description of the study's findings regarding impacts of the proposed project on the existing and future transportation system and describe the location, nature, and extent of all mitigation measures recommended to the applicant to improve and/or maintain the future year background conditions LOS conditions through phasing and ultimate build-out of the project. This mitigation will be identified by measuring the impact between the future year background conditions and the future year build-out conditions. The applicant is only required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development, and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area.
    2. The applicant shall be required to identify mitigation improvements to the transportation network if at least one of the following conditions exists when comparing the multimodal operations analyses of future year background conditions to future year build-out conditions:
        1. The total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same LOS,
        2. the LOS degrades by at least one level, or
        3. the LOS is "D" or worse in background conditions and the proposed project shows a negative impact on the intersection or approach
    3. If the background LOS (intersection or approach) is inadequate (i.e., "D," "E" or "F," the applicant will be expected to mitigate only the impact caused by the proposed project. For example, if the background LOS of an approach is LOS F with 85 seconds of delay, and the project traffic increases the delay to 95 seconds (LOS F), the applicant will be required to mitigate the added 10 seconds of delay on the approach, not required to mitigate the inadequate background delay. Town staff and NCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.
    4. A TMA as outlined in L-7 of this Ordinance may apply if mitigation requirements are needed.
    5. For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. The build-out scenario will only require the analysis of five years beyond the full build-out year, but not used for mitigation purposes.
    6. A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A-F) and average control delay for each intersection and approach.
    7. A narrative and map shall also be prepared that describes and illustrates recommended improvements, by development phase if necessary, for mitigating the projected impact of the proposed development.
18. Compliance with Adopted Transportation Plans – All TIA reports must include a statement of compliance with plans, programs, and policies adopted by the Town or maintaining a safe and efficient multi-modal transportation system.

**Amended November 2, 2020**

# Town of Siler City Development Ordinance
# Appendix C
# Design and Construction Guidelines and Requirements


**I. Certificate of Occupancy Checklist**

**II. Street and Sidewalk Design and Construction**

**1.** Design and Construction Requirements

**2.** Standard Drawings

**III. Utility Design and Construction (reference to TriRiver Water)**

## I. Certificate of Occupancy Checklist (placeholder)

## II. Street and Sidewalk Design and Construction

### c. Design and Construction Requirements

#### a. Design Speed, Sight Distance, Centerline Radius

| Street Type | Minor | Local | Sub-Collector | Collector |
|---|---|---|---|---|
| Design Speed (mph) | 25 | 25 | 30 | 35 |
| Minimum Sight Distance on Vertical Curve (feet) | 150 | 150 | 200 | 200 |
| Minimum Centerline Radius (feet) | 150 | 150 | 250 | 250 |

#### b. Cut And Fill Slopes

Cut and fill slopes on any street right-of-way may not exceed 2:1.

#### c. Sight Distances at Intersections

1. At no-stop intersections, the intersection shall be constructed so that a person standing at location on the centerline of any street 90 feet from the intersection of the street centerlines has an unobstructed view to a point located on the centerline of the intersecting street 90 feet (in either direction) from the intersection of the street centerlines. See Standard Drawing No. 1.
2. Subject to Subsection (c), at stop intersections, the intersection shall be constructed so that a person standing 10 feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting through street located 70 feet from the intersection of the right-of-way lines. See Standard Drawing No. 2.
3. At stop intersections where a residential street intersects with a state-maintained primary road, the intersection shall be constructed so that a person standing 30 feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the centerline of the through street located 150 feet from the intersection of the street right-of-way lines. See Standard Drawing No. 3.

#### d. Radius At Street Intersections

At street intersections, the intersections of the paved surfaces shall be rounded with a minimum radius as shown in Standard Drawings No. 4 and No. 5. Where streets intersect at less than right angles, a greater radius may be required.

#### e. Clearing and Grubbing

Clearing and grubbing shall be performed within the limits shown on the plans. All timber, brush, roots, stumps, trees, or other vegetation cut during the clearing operations shall become the contractor's responsibility to dispose of, and shall be either removed from the project by him, or satisfactorily disposed of on-site.

#### f. Grading And Compacting

Streets shall be graded in accordance with the lines and grade set by the engineer. Before placing curb and gutter on the graded subgrade, the subgrade shall be compacted to 100 percent AASHTO T99 for a depth of six inches and then shall be proof rolled in the presence of the

engineer. Places that are found to be loose, or soft, or composed of unsuitable materials, whether in the subgrade or below it, must be dug out and refilled with suitable material. All embankments or fills shall be made in one-foot horizontal lifts of suitable material. the fill shall be rolled with a sheepsfoot roller after each lift, followed by a wheel roller, each weighing not less than eight tons.

**g. Street Base**

Base course for streets shall generally be eight inches thick, unless otherwise directed by the public works director, and shall be crushed stone conforming to DOT Type ABC stone. The stone base course shall be placed in four-inch layers, watered as necessary, and compacted to 100 percent AASHTO T99. The contractor shall be responsible for keeping the stone base free of contamination from clay or other foreign materials. Handling and placement of stone base shall all be in accordance with DOT specifications.

**h. Street Surfaces**

The asphalt surface course shall meet DOT specifications for Type I-2 asphalt. The asphalt shall be placed in one two-inch layer, and shall be handled and placed in accordance with DOT specifications.

**i. Pavement Section Variations**

Sections C-6, C-7, and C-8 set the standards that shall apply under normal soils conditions. However, where soils are unusually good or unusually unstable, the public works director may allow or require the developer to have soil tests run and a pavement design made by a qualified soils engineer. Under these circumstances, the public works director may allow pavement sections constructed to lesser standards than those set forth above (for good soils) or require pavement sections constructed to greater standards than those set forth above (for unstable soils).

**j. Street Cross Sections**

Streets shall be constructed and utilities located in accordance with Standard Drawing No. 6 or 7

**k. Curb and Gutter**

1. The concrete curb and gutter shall be constructed according to the lines and grades established by the engineer. The concrete shall meet the state highway requirements. The curb and gutter shall be 30 inches wide, and shall have a vertical cub face. The forms shall be of metal, free of marks or kinks, and shall be rigidly held in position. The engineer shall approve the positioning of the forms before concrete is poured. The concrete shall be placed in the forms in a manner to prevent segregation, and tampered or vibrated sufficiently to prevent honeycombs. The concrete shall be finished smooth and even by means of rollers or floats. Expansion joints shall be provided every 30 feet, and false joints every 10 feet.
2. Curb and gutter shall be constructed in accordance with Standard Drawing No. 8.

**l. Sidewalks**

Sidewalk construction shall be similar to street construction, with subgrade compacted to 100 percent AAASHO T99. Concrete sidewalks shall be four inches thick (increasing to six inches thick at driveway entrances), and shall be at least five feet wide. Sidewalk widths maybe four (4) feet wide if the clear width at the turn (turnaround, landing) is sixty (60) inches or greater every two hundred (200) feet per 403.5.2 of the Department of Justice ADA Standards. Expansion joints shall be provided every 30 feet; false joints at 10 feet.

**m. Wheel Chair Ramps**

Where required, wheel chair ramps shall be constructed in accordance with Standard Drawing No. 9.

**n. Storm Water Runoff Control**

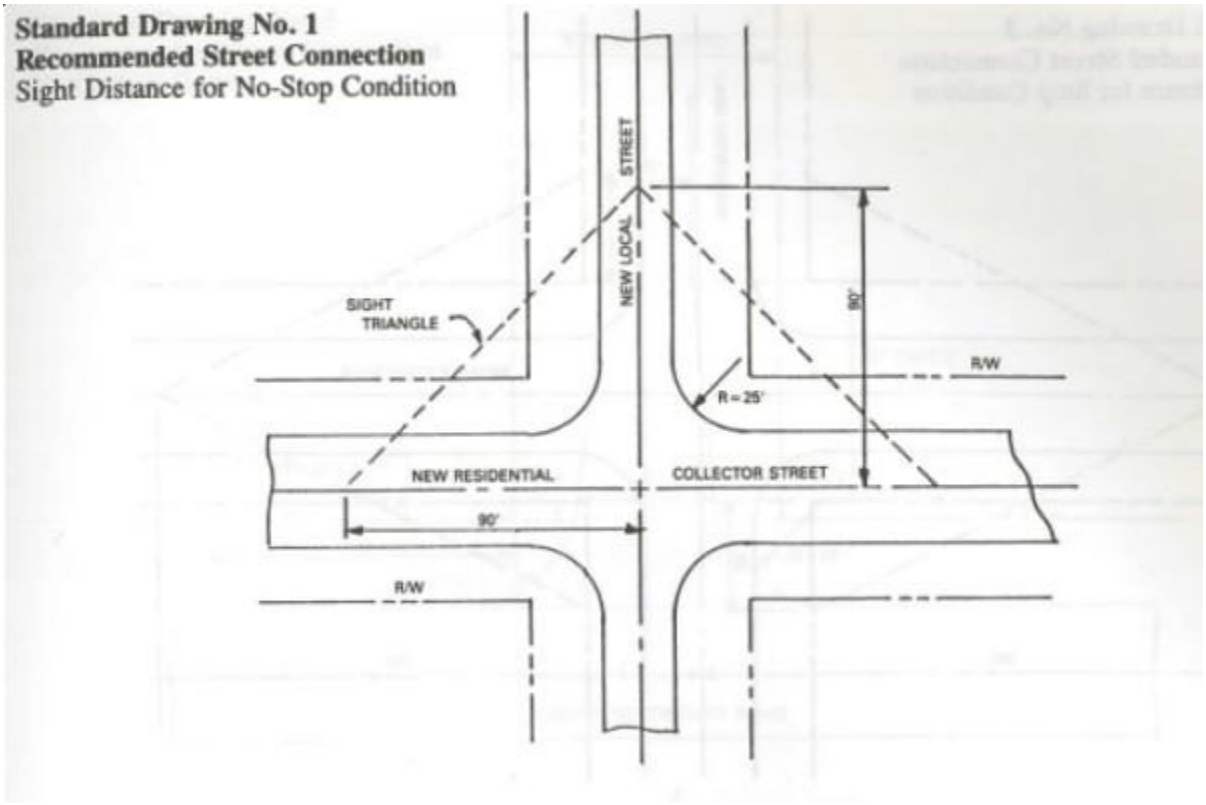
1. The minimum design frequency for storm runoff shall be 10 years for storm sewer collection and 25 years for cross drainage (i.e., drainage facilities crossing street).
2. All storm drainage pipe shall be reinforced concrete and no pipe may be smaller than 15 inches in diameter.
3. Culvert outlet protection and swale erosion protection shall be designed based on a 10-year storm.
4. All storm drainage structures and pipes shall be designed and constructed in accordance with Department of Transportation specifications and Standard Drawings No. 10 through No. 14. However, in case of conflict, the standard drawings shall prevail.

**o.** Sedimentation Control

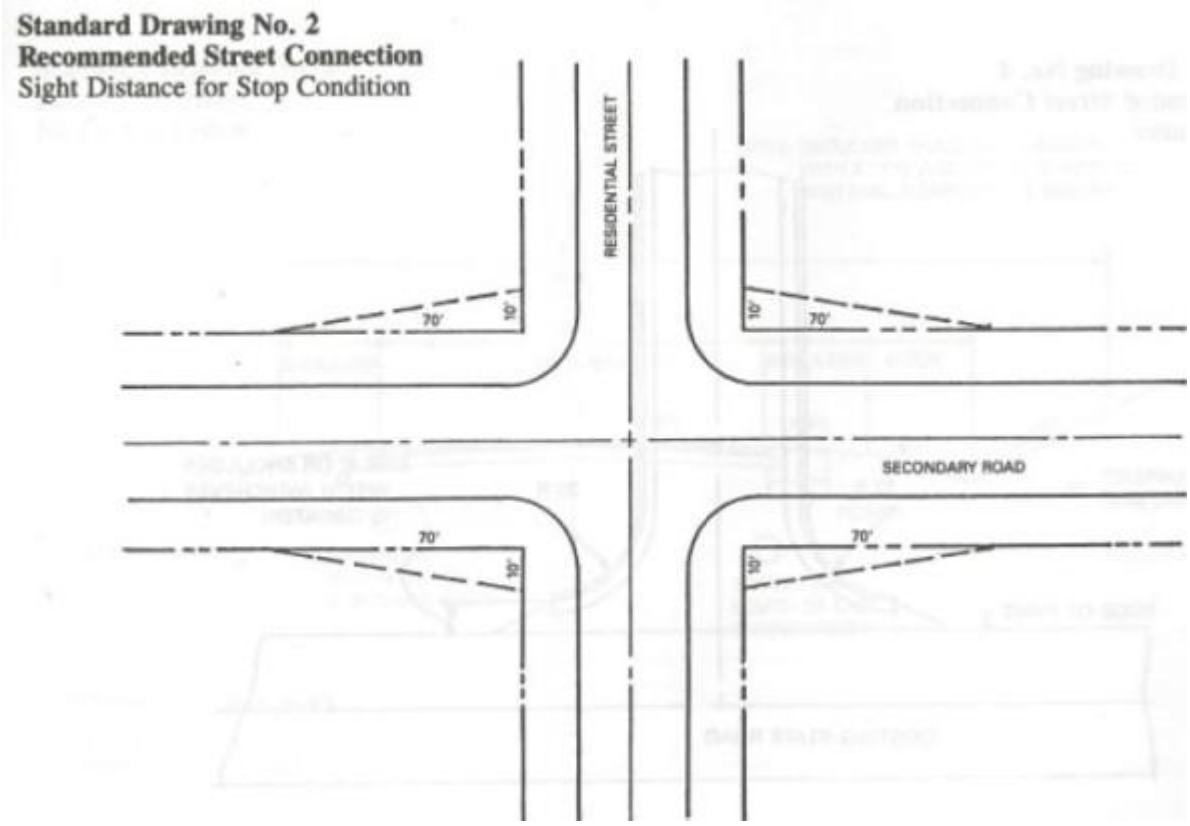
Road shoulders, swales, back-of-curbs, and cut and fill banks shall be completely dressed up by the contractor and seeded as soon as possible.

**d. Standard Drawings**

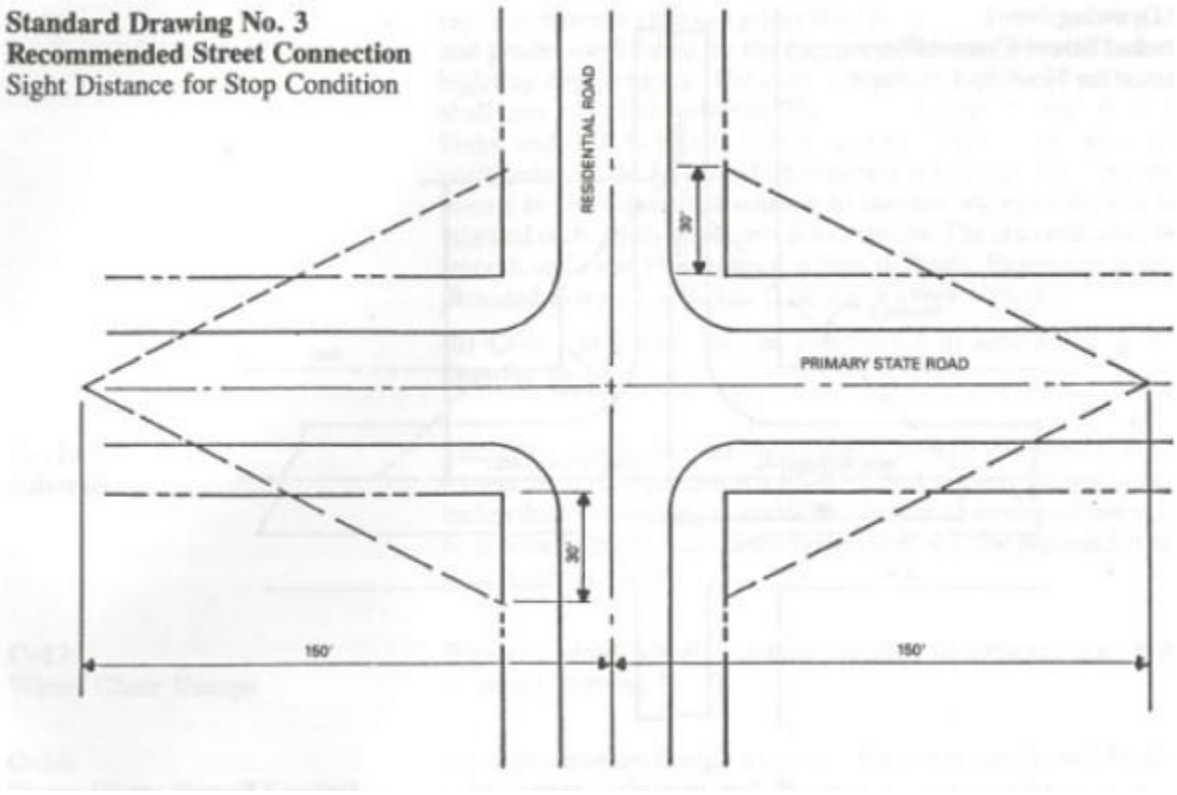
Standard Drawing Number 1 Recommended Street Connection Sight Distance For No-Stop Condition
Standard Drawing Number 2 Recommended Street Connection Sight Distance For Stop Condition
Standard Drawing Number 3 Recommended Street Connection Sight Distance For Stop Condition
Standard Drawing Number 4 Recommended Street Connection Curb And Gutter
Standard Drawing Number 5 Recommended Street Connection No Curb And Gutter
Standard Drawing Number 6 Residential Street No Curb And Gutter
Standard Drawing Number 7 Residential Street Curb And Gutter
Standard Drawing Number 8 Standard Curb And Gutter
Standard Drawing Number 9 Standard Wheel Chair Ramp
Standard Drawing Number 10 Standard Catch Basin
Standard Drawing Number 11 Storm Water Manhole
Standard Drawing Number 12 Yard Inlet Cover
Standard Drawing Number 13 Yard Inlet
Standard Drawing Number 14 Sedimentation Control
*Placeholder for Standard Cross section of a Minor street with Roll-Curb and Roll-Curb cross sections.*



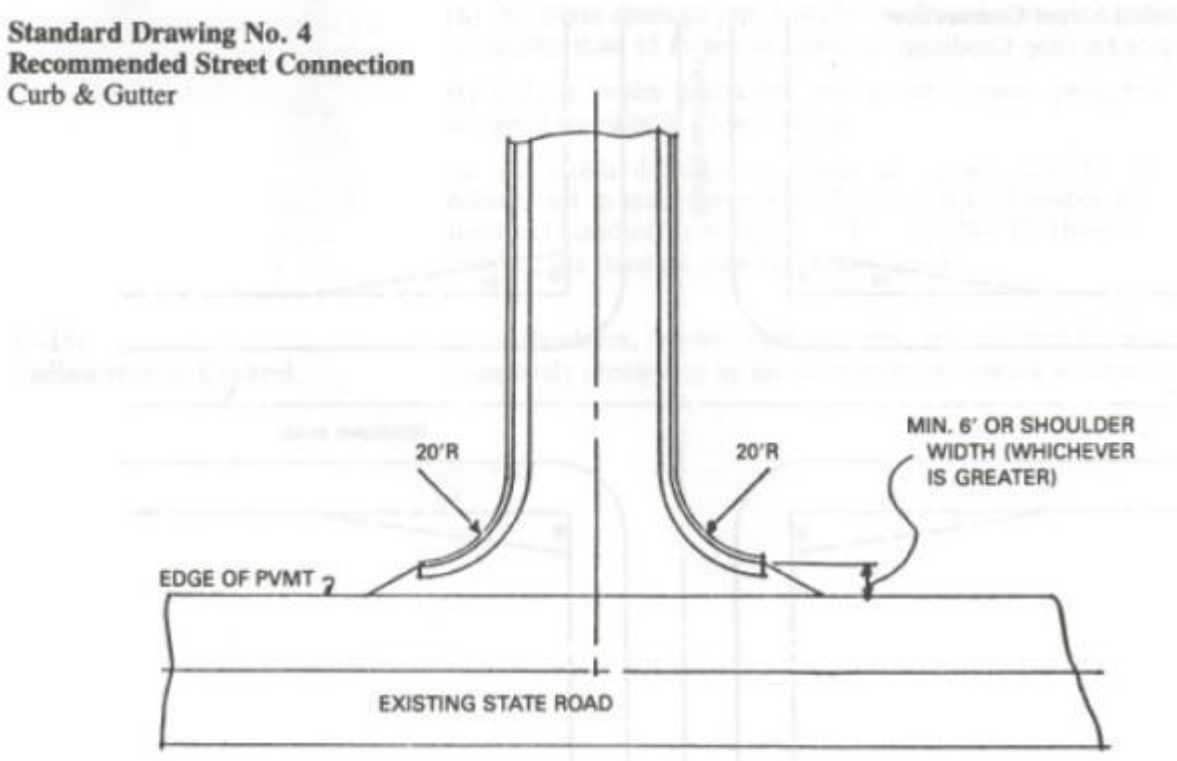

**Standard Drawing Number 2 Recommended Street Connection Sight Distance For Stop Condition**



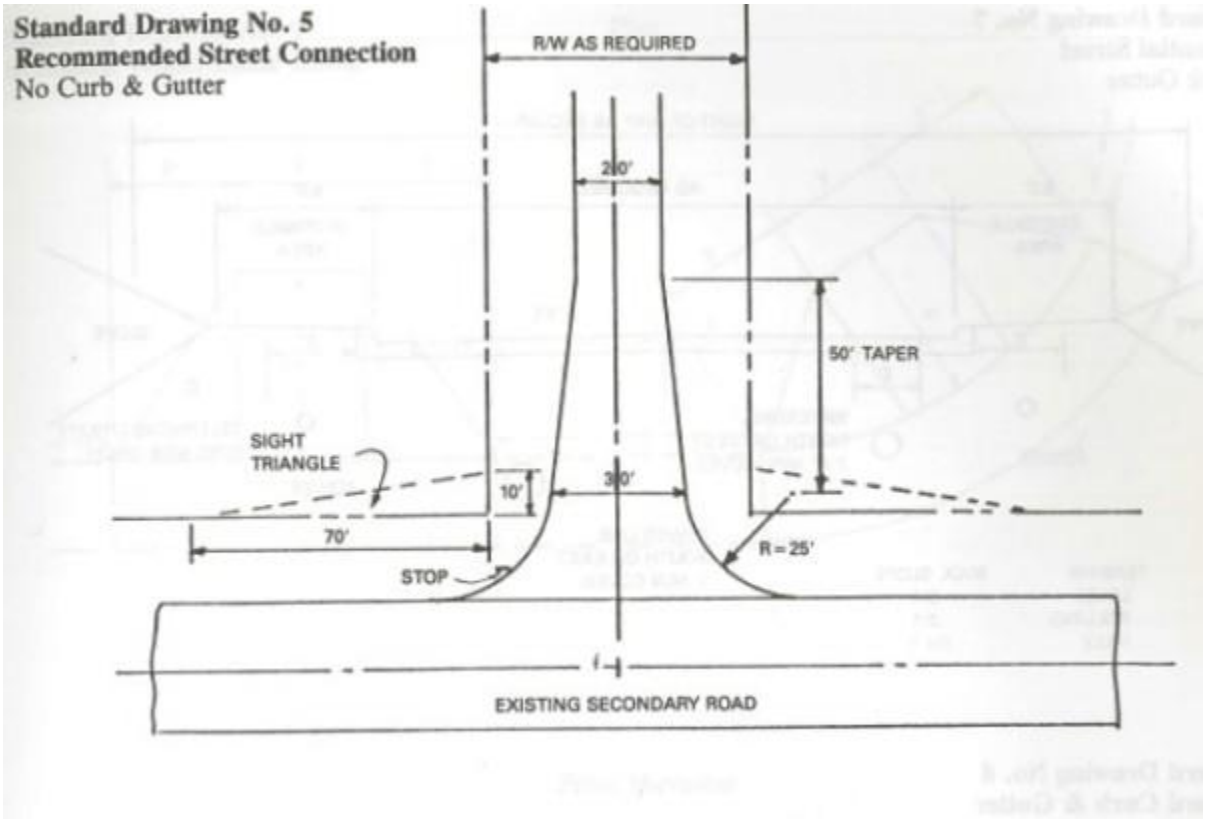

**Standard Drawing Number 3 Recommended Street Connection Sight Distance For Stop Condition**



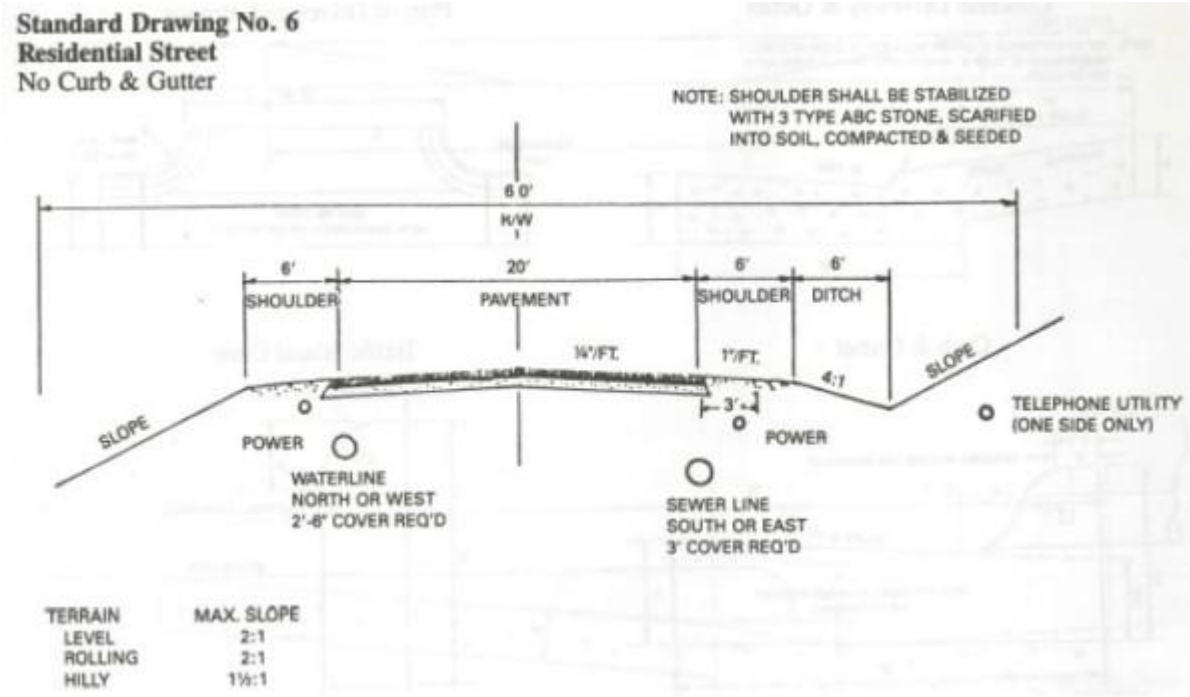

**Standard Drawing Number 4 Recommended Street Connection Curb And Gutter**



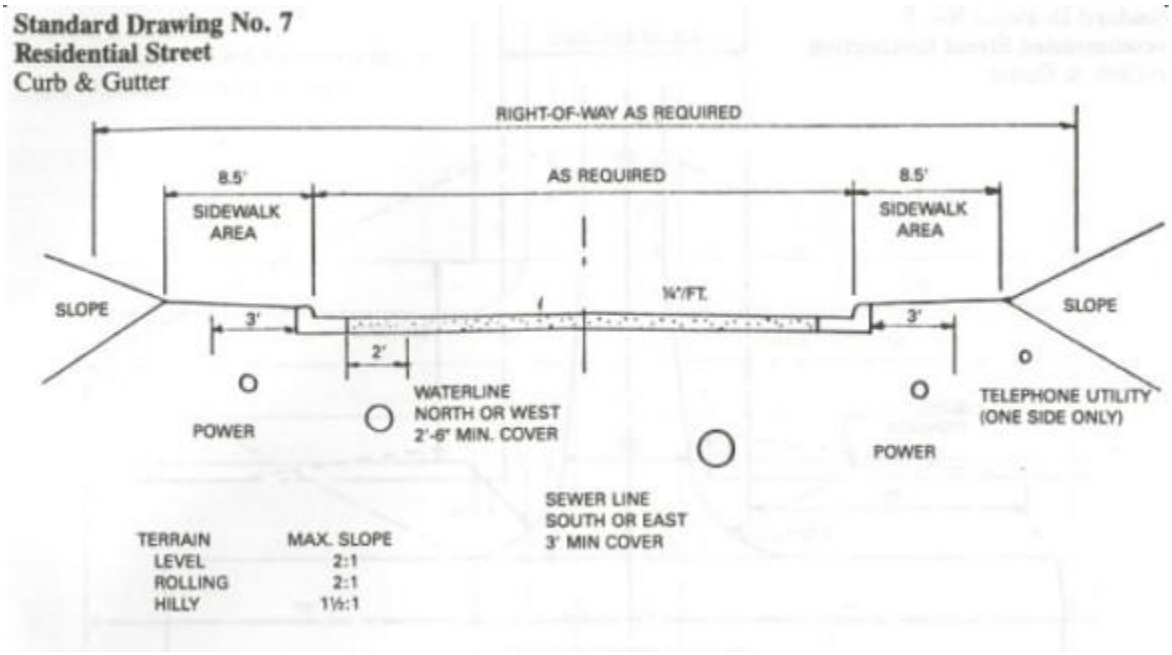

**Standard Drawing Number 5 Recommended Street Connection No Curb And Gutter**




**Standard Drawing Number 6 Residential Street No Curb And Gutter**

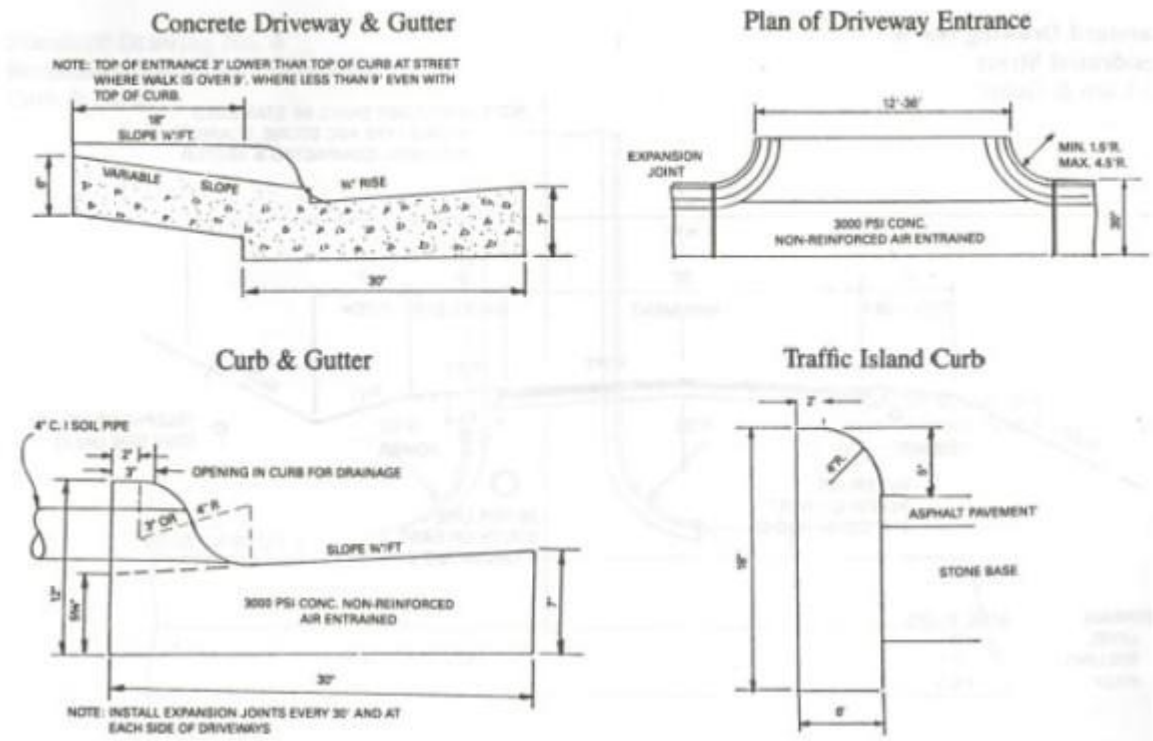



**Standard Drawing Number 7 Residential Street Curb And Gutter**

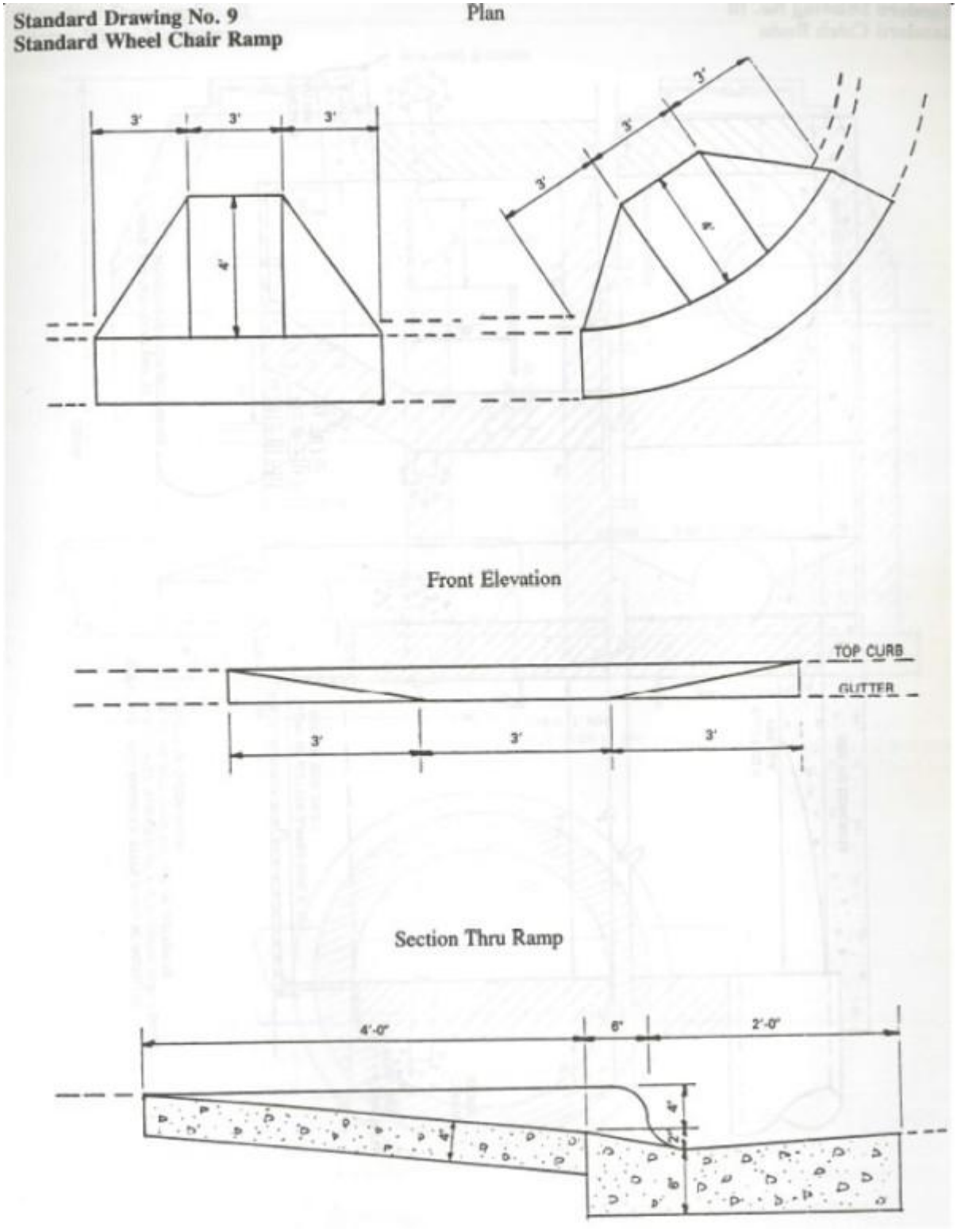



**Standard Drawing Number 8 Standard Curb And Gutter**

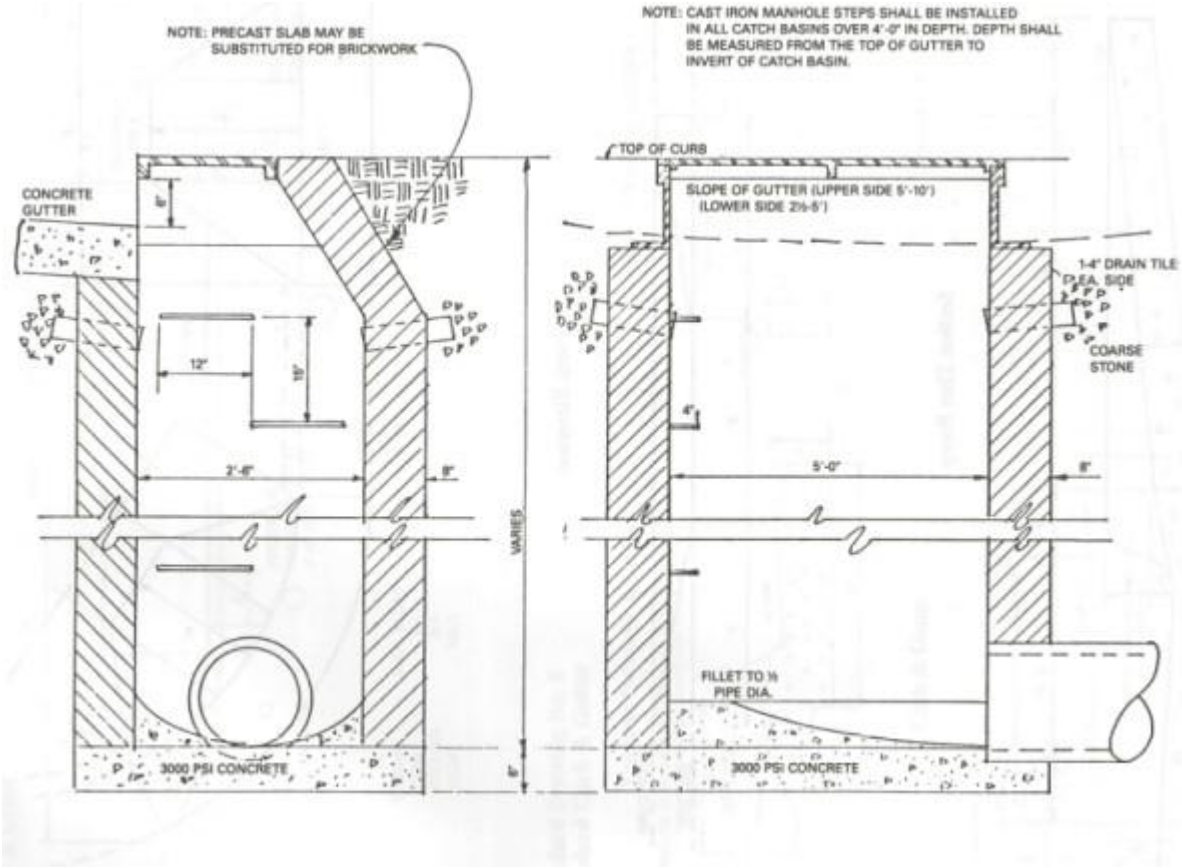
**Standard Drawing No. 8**
**Standard Curb & Gutter**




**Standard Drawing Number 9 Standard Wheel Chair Ramp**

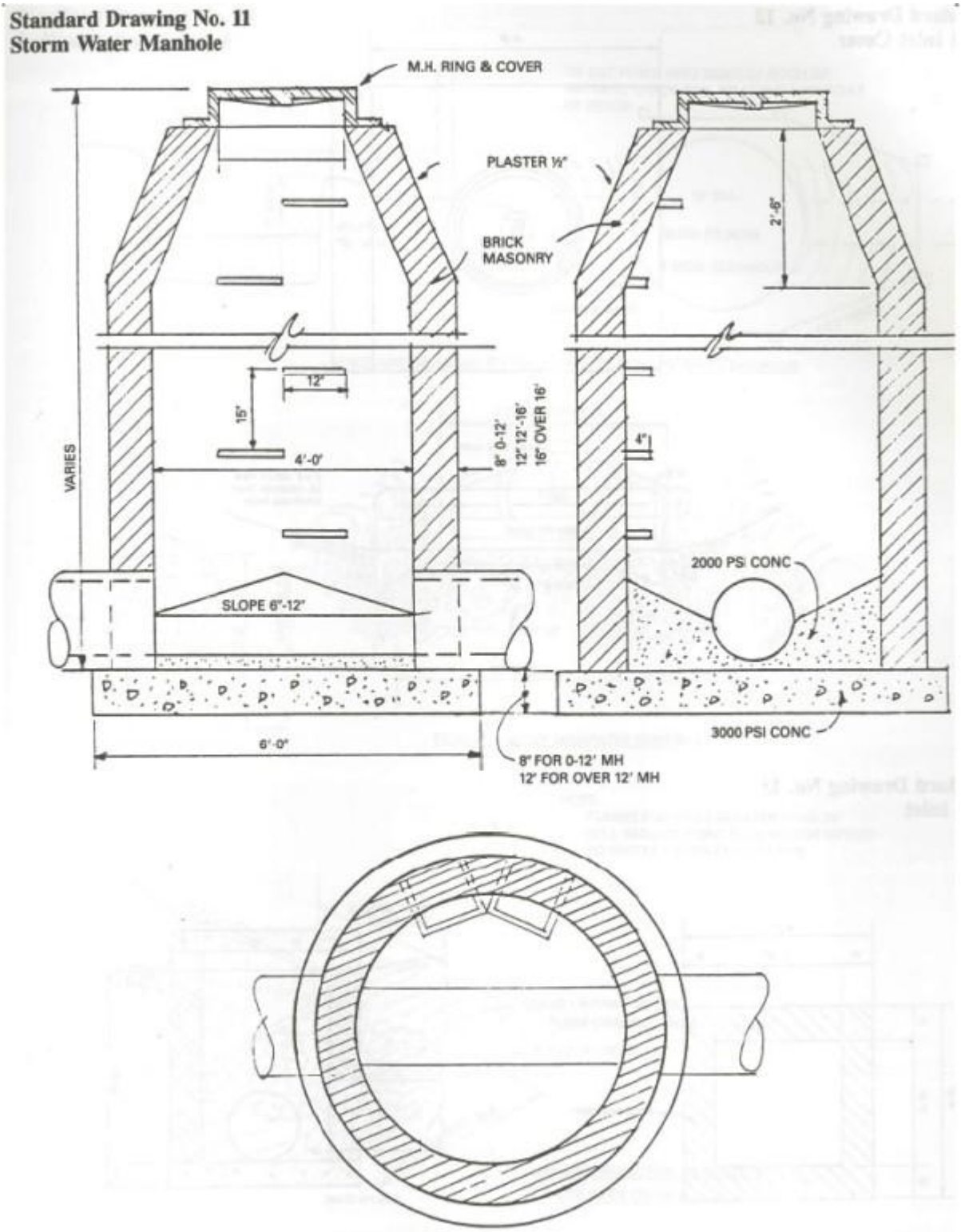



**Standard Drawing Number 10 Standard Catch Basin**



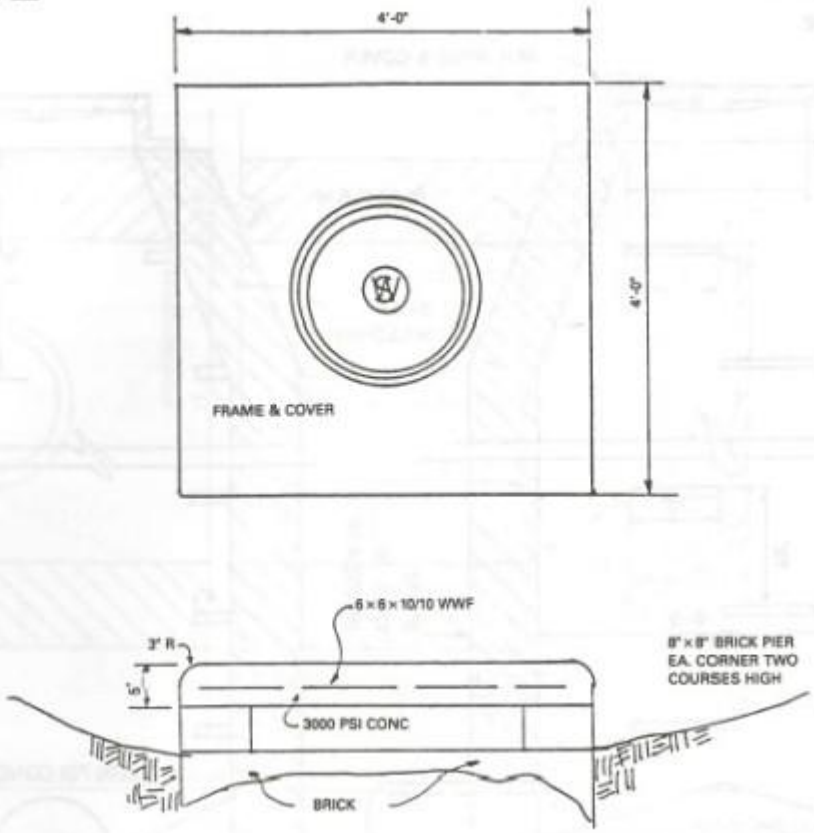

**Standard Drawing Number 11 Storm Water Manhole**

**Standard Drawing No. 11**
**Storm Water Manhole**



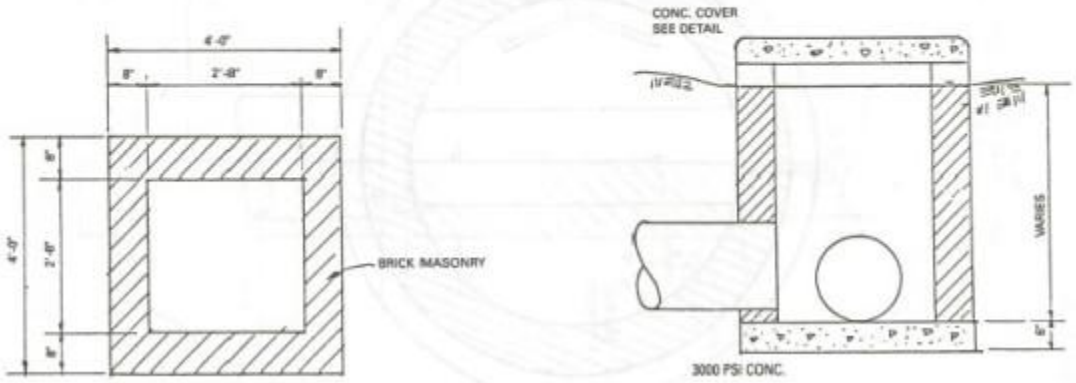

**Standard Drawing Number 12 Yard Inlet Cover**

**Standard Drawing No. 12**
**Yard Inlet Cover**



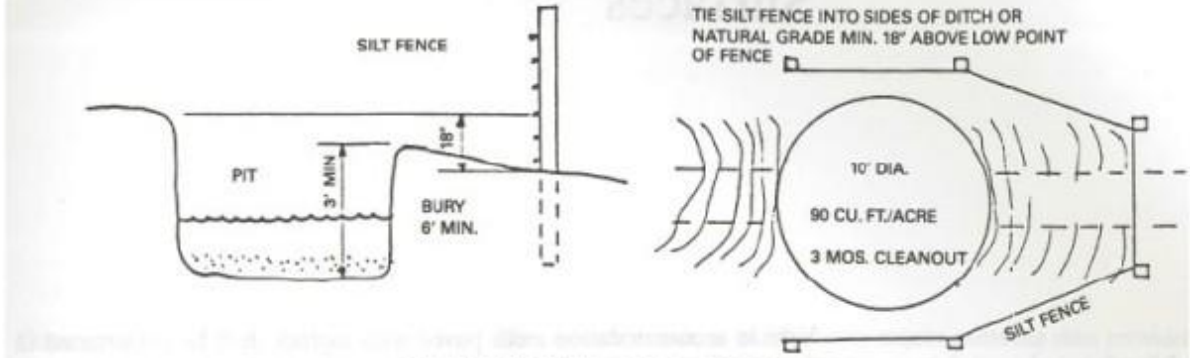

**Standard Drawing Number 13 Yard Inlet**

**Standard Drawing No. 13**
**Yard Inlet**

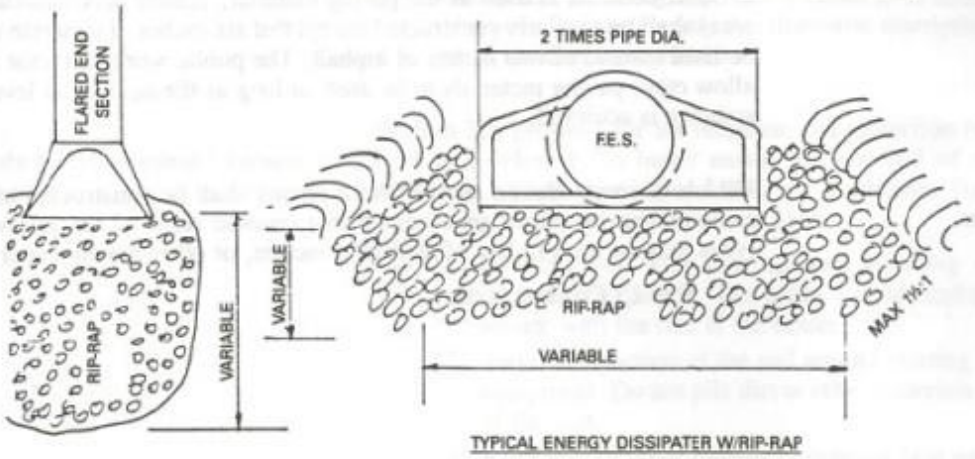



**Standard Drawing Number 14 Sedimentation Control**

**Standard Drawing No. 14**
**Sedimentation Control**

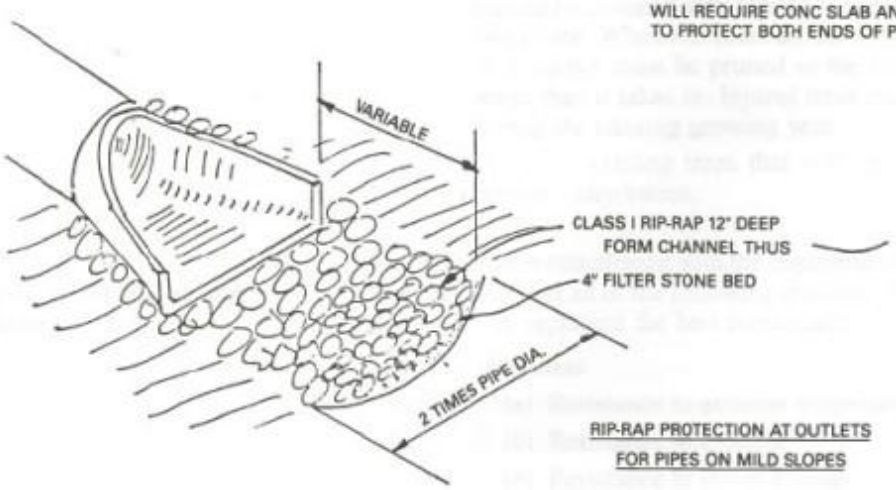



FENCE AND SEDIMENT PIT FOR POINTS OF CONCENTRATED DRAINAGE




TYPICAL ENERGY DISSIPATER W/RIP-RAP

NOTE:
FLARED END PIPES GREATER THAN 36"
WILL REQUIRE CONC SLAB AND/OR RIP-RAP
TO PROTECT BOTH ENDS OF PIPE




RIP-RAP PROTECTION AT OUTLETS
FOR PIPES ON MILD SLOPES

## III. Utility Design and Construction

1. Easement Design (placeholder)

2. Water and Sewer Design. Design and constructions specifications for water and sewer are available through TriRiver Water