# ZONING ORDINANCE

# OF

# THE VIILLAGE OF ALAMANCE

# NORTH CAROLINA

# VILLAGE OF ALAMANCE ZONING ORDINANCE
# TABLE OF CONTENTS


| Chapter | | Page |
|---|---|---|
| Chapter 1 | General Provisions | 1 |
| Chapter 2 | Definitions | 4 |
| Chapter 3 | Administration and Enforcement | 18 |
| Chapter 4 | District Regulations | 23 |
| | Section 4-11. Table of Permitted Uses | 31 |
| | Section 4-12. Notes to Table of Permitted Uses – Development Standards | 34 |
| Chapter 5 | Special Uses | 39 |
| Chapter 6 | Area, Yard and Height Requirements | 48 |
| Chapter 7 | Signs | 57 |
| Chapter 8 | Landscaping and Buffer Yards | 69 |
| Chapter 9 | Off-Street Parking and Loading | 75 |
| Chapter 10 | Nonconforming Situations | 80 |
| Chapter 11 | Vested Rights and Development Agreements | 84 |
| Chapter 12 | Planning Board | 95 |
| Chapter 13 | Board of Adjustment | 97 |
| Chapter 14 | Amendments | 101 |

# CHAPTER 1 GENERAL PROVISIONS

## Section 1.1 Authority

The provisions of this ordinance are adopted under authority granted by the General Assembly of North Carolina under Article 7 of G.S. 160D and any and all amendments enacted by the General Assembly of North Carolina.

## Section 1.2 Short Title

These regulations shall be known and may be cited as the "Zoning Ordinance of the Village of Alamance, North Carolina" and may be cited as the "Zoning Ordinance."

## Section 1.3 Purpose

This Ordinance: (1) divides the Village of Alamance into districts and establishes the boundaries thereof; (2) regulates and restricts the height, number of stories and size of buildings and other structures; (3) regulates and restricts the percentage of lots that may be developed; (4) regulates and restricts the size of yards, courts, and other open spaces; (5) regulates and restricts the density of development; (6) regulates and restricts the location and use of buildings, structures and land for uses permitted by this Ordinance; (7) provides for the method of administration and amendment; (8) defines powers and duties of the Planning Board and Board of Adjustment with respect to these regulations; (9) provides penalties for violations of these regulations; (10) defines certain terms used herein; and (11) accomplishes other purposes

## Section 1.4 Jurisdiction

The regulations set forth in this ordinance shall be applicable to all properties within the corporate limits of the Village of Alamance and within the territory beyond such corporate limits as now or hereafter fixed, for a distance of approximately one mile to the east, south, andwest, as established by an ordinance and map first adopted on April 23, 1990 by the Aldermen of the Village of Alamance and as hereafter amended or readopted in accordance with G.S. 160D-Article 2.

## Section 1-5. Incorporation of the Zoning Map

The Village of Alamance is hereby divided into zones, or districts, as shown on the Official Zoning Map which is a graphical depiction of the location of the zoning districts and is incorporated by reference and declared to be a part of this ordinance. The map may be foundon the Village website at https://www.villageofalamance.com. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in

conformity with the amendment procedures set forth in this ordinance. A copy of the Official Zoning Map shall be printed and maintained for public inspection in the office of the Village Clerk.

Effective Date - This Ordinance shall be in full force and effect on June 27, 2022 and repeals and replaces the Zoning Ordinance of October 21, 1991.

**Section 1.6 Provisions Declared to Be Minimum Requirements**

In their interpretation and application, the provisions of this Ordinance shall be held to minimum requirements, adopted for the promotion of the public health, safety or general welfare, and shall apply uniformly to each class or kind of structure ~~of~~ or land. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards shall govern. Unless deed restrictions, covenants, or other contracts directly involve the Village as a party in interest, the Village shall have no administrative responsibility for enforcing such deed restrictions or covenants.

**Section 1.7 Zoning Affects Every Building and Use**

No building, structure, or land shall hereafter be used or occupied, and no building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with the regulations specified in this Ordinance for the district in which it is located.

**Section 1.8 One Principal Building Per Lot**

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot, except in the case of a specially designed complex of institutional, residential, commercial, or industrial buildings in an appropriate zoning district, or a temporaryor accessory use as permitted in the Table of Permitted Uses or the Notes to the Table.

**Section 1.9 Required Yard, Open Space or Off-Street Parking Not to Be Used for AnotherBuilding**

No part of a yard, or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be included as a part of a yard, open space, or off-street parking or loading space similarly requiredof any other building, unless, in the case of off-street parking, provision is made for shared use of parking facilities.

**Section 1.10 Severability**

If any section or specific provision or standard of these regulations or any zoning district boundary that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

# CHAPTER 2 DEFINITIONS

## Section 2.1 Word Interpretations

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:

Person - Includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Present tense - Includes the future tense and the future tense includes the present tense.

Singular Number - Includes the plural and the plural number includes the singular.

"Shall," "will" and "may" The words "shall" and "will" are mandatory. The word "may" is permissive.

"Used" or "Occupied" - include the words "intended, designed or arranged to be used or occupied."

"Lot" - includes the words "plot or parcel ".

"Structure" - Includes the word "building".

## Section 2.1 Definitions

**Accessory Use.** A structure or use that: 1) is clearly incidental to and customarily found in connection with a principal building or use; 2) is subordinate to and serves a principal building or a principal use; 3) is subordinate in area, extent, or purpose to the principal building or principal use served; 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and 5) is located on the same zone lot as the principal building or use served.

**Accessory, Building or Structure.** A use or structure customarily incidental and subordinate to the main or principal building and located on the same lot therewith.

**Administrator.** See Zoning Administrator.

**Adult Establishment**. As defined in NCGS 14-202.10 as written or hereafter amended an adult is an adult bookstore, an adult motion picture theatre, adult mini motion picture theatre, or adult live entertainment business. A massage or bodywork establishment that engages in solicitation of sexual activity is unlawful as provided in NCGS 90-632.17 and is not an adult establishment.

**Alley.** Any roadway or public way dedicated to public use and twenty feet or less in width.

**Alteration.** The word "alteration" shall include the following:

- any addition to the height or depth of a building or structure,
- any change in the location of any of the exterior walls of a building or structure, or
- any increase in the interior accommodations of a building or structure.

**Apartment.** A dwelling unit within an apartment building consisting of a room or rooms intended, designed, or used as a rental residence.

**Assisted Living.** (Full definition in NCGS 131D-2.1). Group housing with services for unrelated adults, by whatever name it is called, that makes available, at a minimum, one meal a day and housekeeping services and provides personal care services to resident adults directly or through a formal written agreement with one or more licensed home care or hospice agencies. For purposes of this ordinance, assisted living may be provided in a multi-unit facility located on a separate parcel, or in a facility developed as part of a continuing care retirement community.

**Bar.** An establishment primarily engaged in the retail sale of beer, wine, and alcoholic beverages for consumption on the premises. Such establishment must obtain an ABC license for on-premises beverage consumption only.

**Bed and Breakfast Home.** An establishment in a private dwelling that supplies temporary accommodations to eight (8) or fewer overnight guests for a fee.

**Billboard** . An outdoor advertising sign with an area or surface on which lettering or pictorial matter is displayed for advertising or notice purposes. See Chapter 7 Signs.

**Board of Adjustment.** The Board of Adjustment of the Village of Alamance. The Board of Aldermen functions as the Board of Adjustment.

**Brewery.** An establishment that sells beer brewed on the premises and often includes a restaurant.

**Buffer.** A horizontal distance from the property line which may only be occupied by screening, utilities, access ways and/or landscaping materials.

**Buffer Strip**. A planted strip at least ten (10) feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than twenty (20) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart.

**Buildable Area**. The portion of a lot remaining after required yards have been provided.

**Building.** A structure with a roof, intended for shelter, housing or enclosure.

**Building Frontage**. For the purpose of computation of number and area of signs permitted

on buildings, in cases where linear feet of building frontage is determinant, the frontage of a building shall be computed as the horizontal distance is indeterminate or cannot be applied, asfor instance where there is a diagonal line across the front as nearly at ground level as computation of horizontal distance permits. In cases where this test corner entrance or where two or more sides of a building have entrances of equal importance and carry approximately equal amounts of pedestrian traffic, the administrative official shall select building frontage onthe basis of the interior layout of the building, traffic on adjacent streets, or other indicators available.

**Building Height**. The vertical distance measured from the average elevation of the proposed finished grade at the front of the structure to the top level of the slope of the main roof.

**Cemetery.** A tract of land used for burials, usually in a park-like setting. May be public or private. May include mausoleums and columbaria. Crematoria are not permitted in cemeteries.

**Child Care.**

- **Child Care Center**. A program where three or more unrelated children less than 13 years old receive care on a regular basis at least once a week for more than four hours per day but less than 24 hours. Childcare centers must meet all state licensing requirements.

- **Family Child Care Home**. A childcare arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive childcare. Family childcare home operators must reside at the location of the family childcare home. Family childcare homes must meet all state licensing requirements.

**Certificate of Occupancy**. A statement, signed by the administrative officer, setting forth either that a building or structure complies with this chapter or that a building or structure or parcel of land may lawfully be employed for specified uses, or both.

**Club or Lodge, Private.** An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities operated on a non-profit basis for the benefit of its members.

**Condominium.** See Dwelling Unit.

**Day care.** See Child Care.

**Development approval**. – As provided in G.S. 160D-102 as written or subsequently amended, a development approval is an administrative or quasi-judicial approval made pursuant to this ordinance that is written and that is required before commencing development or undertakinga specific activity, project, or development proposal. Development approvals include, but are not limited to, z*oning 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.

**District** . Any section within the Village in which zoning regulations are uniform.

**Dwelling Unit.** Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

- **Dwelling, Apartment.** A dwelling unit within an apartment building consisting of a room or rooms intended, designed, or used as a rental residence
- **Dwelling, Condominium.** A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional and undivided basis. A condominium is considered multi-family.
- **Dwelling, Duplex.** A building arranged or designed to contain two (2) dwelling units.
- **Dwelling, Multi-Family.** A building or portion thereof, designed to contain three (3) or more dwelling units (see Apartment or Condominium).
- **Dwelling, Single-Family.** A detached building designed to contain one (1) dwelling unit.
- **Dwelling, Townhouse.** A single-family attached unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more fire-resistant walls. The owner of a townhouse owns the property under the structure

**Enforcement Officer**. An administrative official designated by the Village Aldermen who shall administer and enforce this Ordinance. This official may be provided with the assistance of such other persons as the Village Aldermen may direct. See Zoning Administrator.

**Family** ---One or more persons related by blood, adoption, common law or marriage and occupying a single dwelling unit as a single housekeeping entity.

**Family Care Home.** A home defined in NCGS 160D-907 and licensed pursuant to NCGS 131D, Article 1, both as written or subsequently amended, with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for two to six resident persons with disabilities. As provided in NCGS 160D-907, a family care home is a residential use for zoning purposes and shall be permitted in all residential zoning districts. However, as authorized by NCGS 160D-907(c ), the Village of Alamance prohibits location of a family care home within a one-half mile radius of an existing family care home.

**Farm, bona fide.** As provided in G.S. 160D-903, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1. Activities incident to a bona fide farm include existing or new

residences constructed to the applicable residential building code situated on the farm occupied by the owner, lessee, or operator of the farm and other buildings or structures sheltering or supporting the farm use and operation. A bona fide farm does not include commercial poultry and swine production, cattle feeder lots and furbearing animal farms.

**Flood Plain-** A geographic area designated by the Federal Emergency Management Administration (FEMA) according to varying levels of flood risk. In particular, the area shown asthe floodway and 100-year flood elevation zone as shown on the "Flood Hazard Boundary Maps" for Alamance County.

**Gaming Establishment**. Any establishment, excluding adult gaming establishments, whose principal use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or the possibility of rewards of limited value such as children's toys, games, or novelties when all rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. Examples include, but are not limited to, traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses. This shall be considered a principal use when occupying more than fifty percent of the gross floor area of an establishment or being used by more than fifty percent of the patrons at any time or representing more than fifty percent of the total sales of the establishment.

**Gaming Establishment, Adult**. Any establishment featuring more than four stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving more than four patrons in such capacity at any one time, which also rewards patrons, or provides the possibility of rewards, goods or certificates for services which are redeemable for cash or other monetary payment on or off premises and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. Any use meeting this definition shall be considered a principal use regardless of association or location in conjunction with other permissible principal uses. This does not include any lottery approved by the State of North Carolina or any non-profit establishment that is otherwise lawful under State law (for example, church or civic organization fundraisers).

**Group Development.** An area of land under unified control developed for business, commercial or industrial uses, consisting of one or more principal structures or buildings and accessory structures or buildings on a plot not subdivided into customary streets and lots.

**Group Home.** A home for seven (7) to fifteen (15) residents, with support and supervisory personnel, that provides care, habilitation or rehabilitation for individuals with needs such as mental illness, development disability, cognitive impairment or substance abuse. Group homesare licensed by the State of North Carolina. A group home may not be located within one-half mile radius of an existing group care home.

**Gross Floor Area**. The total horizontal area of all the floors of a building, including interiorbalconies and mezzanines.

**Home Occupation.** An occupation conducted entirely within a residential dwelling and carried on by the occupants thereof which is clearly incidental and secondary to the use of the dwellingfor dwelling purposes; the use does not change the character thereof. There is no display, nor commodity sold upon the premises except as may be produced by the occupants; provided, that not more than twenty-five (25) percent of the total floor area of the dwelling, including basement, may be devoted to such occupation. Except for a family childcare home or center, no person, other than a resident of the premises, shall be employed in connection with the home occupation. Examples of home occupations include but are not limited to: instruction in music, dance, art, or similar subjects; professional offices; barber/beauty services; catering; and handcrafting. (See Note #7 to Table of Permitted Uses.)

**Junk Yard.** Any land area or area use, in whole or in part for commercial storage and/or sale of wastepaper, rags, scrap metal, or other junk, and including storage of scrapped motor vehicles and dismantling of such vehicles or machinery.

**Loading Space, Off-Street**. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles whenrequired off-street parking spaces as off-street parking space in computation or required off- street parking space.

**Lot**. For zoning purposes, as covered in this Ordinance, a lot is a clearly defined piece of land of sufficient area and dimensions to meet minimum zoning requirements for width, area, use, and coverage, and to provide such yards and other open spaces as are required herein (provided that certain nonconforming lots of record at the time of passage or amendments of this Ordinance are exempted from certain of its provisions under the terms of Nonconforming Lotsof Record). Such lots shall have frontage on a public street or on a private street as defined in this Ordinance, and may consist of all portions, or combinations of lots of record and lots described by metes and bounds, provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this Ordinance.

Lot Depth The mean horizontal distance between front and rear lot lines.

Lot Width The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided however, that width between side lot lines at their foremost points (where they intersect with thestreet line) shall not be less than 80% of the required lot width except in the case of lots on the turning circle of a cul-de-sac, on which the 80% requirement shall not apply.

Lot of Record A lot which is part of a subdivision recorded in the office of the Register

of Deeds, Alamance County, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.

**Lot Frontage.** The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated.

**Lot Line.** A line dividing one parcel of property from another parcel or from a street right-of-way.

Lot Line, Front. The street right-of-way boundary at the front of the lot, or the line which separates the lot from the street right-of-way at the front of the lot.

Lot Line, Rear**.** That line of a lot which is opposite and farthest, on average from the front lot line. Where a lot abuts a street along the rear of the lot, the rear lot line shall be deemed to coincide with the street right-of-way boundary.

Lot Line, Side**.** Any lot line which meets an end of a front lot line, where a lot abuts a street along the side of a lot, the side lot line shall be deemed to coincide with the street right-of-way boundary.

**Lot Types**

Corner Lot - A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot (or an extension of the lot where it has been rounded by a street radius) meet at an interior angle of less than 135 degrees.

Interior Lot - A lot other than a corner lot, with only one frontage on a street other thanan alley.

Through Lot - A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots. ]

Reversed Frontage Lot - A lot which is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.

**Manufactured Home.** A structure, as defined in G.S. 143-145.7 as written or hereafter amended, that is transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or is 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes

the plumbing, heating, air conditioning and electrical systems contained therein.

**Class A Manufactured Home (Commonly Referred to as "Double-wide").** A multi- sectional manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria.

- The manufactured home has a length not exceeding four (4) times its width,with length measured along the longest axis and width measured at the narrowest part of the other axis.
- The manufactured home has a minimum of 1,200 square feet of enclosedheated living area.
- The pitch of the roof of the manufactured home has a minimum vertical riseof three and one-half (3.5) feet for each twelve feet of horizontal run (3.5 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- All roof structures shall provide an eave projection of no less than six (6)inches, which may include a gutter.
- The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of flat white paint),wood, or hardboard comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance.
- Stairs, porches, entrance platforms, ramps and other means of entranceand exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department ofInsurance and attached firmly to the primary structure and anchored securely to the ground.
- The moving hitch, wheels and axles, and transporting lights have been removed.
- A continuous, permanent masonry curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home.

It is the intent of these criteria to ensure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built,single-family dwelling.

**Class B Manufactured Home (Commonly Referred to as "Single-wide").** A single section manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U. S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home. The following criteria must also be satisfied.

- The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance.

- A continuous, permanent masonry curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home.
- Stairs, porches, entrance platforms, ramps and other means of entranceand exit to and from the home shall be installed or constructed in accordance with the standards set by the North Carolina Department of Insurance and attached firmly to the primary structure and anchored securely to the ground.
- The moving hitch, wheels and axles, and transporting lights have been removed.
- The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.
- The pitch of the roof of the manufactured home has a minimum vertical riseof two and two tenths feet for each twelve feet of horizontal run (2.2 feet and 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction.

**Class C Manufactured Home.** A manufactured home that does not meet the definition of either a Class A or a Class B manufactured home.

**Class D Manufactured Home.** A manufactured home built to federal construction codes that were in effect prior to July 1, 1976.

**Manufactured Home Park.** A commercial use where land is divided into individual leaseholds but not individual lots owned in fee simple that are intended for occupation by individual manufactured homes. Manufactured home parks may include shared or individual accessways, recreation facilities, and other shared accessory uses like laundries, storage, or refuse collection areas.

**Mixed Uses.** Where permitted by this ordinance, a mixed use building allows both business and residential uses to occur in the same building, such as a live-work space.

Where permitted by this ordinance, a mix of residential and commercial or businessuses may be permitted in a mixed use development or mixed use zoning district.

**Modular Home.** A dwelling unit constructed in accordance with the construction standards of North Carolina Uniform Residential Building Code for one- and two-family dwellings and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly and placement on a permanent foundation.

**Motel** - An establishment designed and intended to provide lodging and related facilities for transient guests in which rooms usually have direct access from outdoor parking areas without going through a lobby or common entrance. The establishment shall be licensed as a motel. All rental units shall be completely furnished and provided with housekeeping services.

**Multifamily Development.** See Dwelling Unit.

**Nonconformance.** Any use, structure, lot, or sign which does not conform to the regulations of the Zoning Ordinance either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

**Non-Conforming Lot.** A lot which does not conform to the dimensions required by this Ordinance.

**Non-Conforming Sign.** A sign which does not conform to the provisions of this Ordinance.

**Non-Conforming Structure.** A structure which does not conform to the height, bulk, or setback standards set forth in this Ordinance or which does not meet the requirements for the type of structure allowed.

**Non-Conforming Use.** Any use of building or land which does not conform to the use regulations of this Ordinance for the district in which it is located.

**Nursing Home.** (Defined in NCGS 131E-101 Health Care Facility Licensure Act, Definitions). A facility, however named, which is maintained for the purpose of providing nursing or convalescent care for three or more persons unrelated to the licensee. A "nursing home" is a home for chronic or convalescent patients, who are not acutely ill and who do not require hospital facilities such as an operating room, X-ray facilities, laboratory facilities, or obstetrical facilities.

**Open Storage.** Any unroofed storage area, whether fenced or not.

**Parking Space, Off-Street**. For the purposes of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designated, maintained and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

**Planning Board.** The Planning Board of the Village of Alamance.

**Porch**. A roof covered open structure projecting from the front, side, or rear wall of a building and having no enclosed features of glass, wood, or other material (but not to include wire screening) more than thirty inches above the floor thereof, except the necessary columns to support the roof.

**Principal Use.** The primary purpose or function that a lot serves or is intended to serve.

**Public Water Supply.** Any water system so defined and regulated by G. S. 130-166.

**Residential Cluster development**. A variation or exception to the lot size requirement specifiedin the Village ordinance. If approved, the subdivider can cluster or group dwelling units on part of the tract and allow the remaining part of the lot to remain in open space. This is strictly a method of transferring density. It does not allow any uses that are not specifically listed in the zoning ordinance. See Section 5-3. Regulations for Special Use Permits, E. Residential Cluster Development

**Restaurant.** A commercial establishment where food is prepared and served for public consumption.

**Service Station.** A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of automobiles, excluding body working, overhauling, and painting.

**Setback Line.** The line on the front, rear, and sides of a lot, which delineates the area upon which a structure may be built and maintained.

**Shopping Center**. A kind of Group Development with two or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.

**Sign.** Any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

Signs, Number -- For the purpose of determining number of signs, a sign shall be considered to be a Single display surface or display device containing elements organized,related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about therelationship of elements, each element shall be considered to be a single sign.

Sign, Outdoor Advertising - Any sign either free standing or attached to a structure whichdirects attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises on which said sign is located.

Sign, Surface Area --The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle, semi-circle, or other regular geometric figure,including all of the elements of the matter displayed including blank masking and frames,but not including structural elements, outside the advertising elements of the

sign and bearing no advertising matter.

Sign, Temporary A sign permitted for a period as provided in Section 7-15 Temporary SignsPermitted without a Permit including for sale, for rent, construction company's name, sub- contractor's names, architect's, and planner's names.

**Site-specific Development Plan** - A plan of land development as defined in G.S. 160D-108, as outlined in Section 4-5 Submissions for Conditional Zoning and Section 11-2C.3 Requirements for Site-Specific Vested Rights Plans of this ordinance. Neither a variance, a sketch plan nor any other document that fails to describe with reasonable certainty the type and intensity of use fora specified parcel or parcels of property shall constitute a site-specific development plan.

**Special Use** - A use, provided for in G.S.160D-406 and G.S.160D-705, which is permitted in specified zoning districts only after a quasi-judicial hearing by the Board of Adjustment and found to meet specific conditions and procedures as are now or hereafter set forth in this ordinance so as to minimize any negative effects the use might ordinarily have on the district and to maintain the safety and general welfare of the community. Such uses shall be permittedonly upon the issuance of a special use permit by the Board of Adjustment.

**Story, Half**. A story under gabled, hipped or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the finished floor of such story.

**Street, Public.** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

**Street, Private.** A privately-owned and maintained street which provides the principal means of vehicular access to abutting properties. For purposes of this Ordinance, a private street shall be built to North Carolina Department of Transportation standards to permit inclusion into the State System. The pavement must be at least 20 feet wide. Subdivisions which contain private roads must also contain a road maintenance agreement. .

**Street Right-of-Way Line.** The street right-of-way boundary, or the line which separates the street from the lot.

**Structure.** Any object constructed or erected the use of which requires more or less permanent location on the ground or which is attached to an object having more or less permanent location on the ground.

- **Principal Structure.** A building in which is conducted the main or principal use ofthe lot on which said building is situated.
- **Temporary Structure.** A structure intended for temporary offices, headquarters, residence, classrooms (etc.) on the same lot or tract of land being used or developed for a directly related permanent use.

**Telecommunication Tower.** A tower facility, including, but not limited to, radio and television transmission towers or similar utilities, microwave towers, and mobile telephone or radio towers. 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 that are under 100 feet in height and that, at a height of fifty (50) feet above the base, have a maximum horizontal measurement of eighteen (18) inches nor shall it include any tower erected by a public authority for public safety or emergency services communication purposes.

**Tiny House.** A dwelling between 200 and 800 square feet in size that complies with construction requirements for a dwelling in the most recent edition of the North Carolina State Residential Building Code. If the unit is constructed through the NC Modular Construction Program, the unit must also meet the minimum construction and design standards for modular homes cited in NCGS 143-139.1. A tiny house may be a principal useon a zoning lot in the districts where permitted or an accessory use with Development Standards when approved by the Zoning administrator.

**Townhouse.** See Dwelling Unit.

**Trailer.** As defined in G.S. 20-4.01:

**House Trailer** - Any trailer or semitrailer designed and equipped to provide living or sleeping facilities and drawn by a motor vehicle. This term shall not include a manufactured home as defined herein.

**Travel trailer (Recreational vehicle)** – A vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require a special highway movement permit when towed by a motorized vehicle.

**Variance** - A modification of the existing zoning ordinance meeting the conditions of G.S. 160D-705(d) which is not contrary to the public interest, where strict enforcement of this ordinance would cause undue hardship to the applicant because of circumstances unique to the individualproperty (not caused by the owner or applicant) on which the variance is granted.

**Warehouse, Mini-warehouse; Self-Storage –** A building or buildings containing separated, enclosed spaces of varying sizes leased or rented on an individual basis. (Added after Feb 8mtg.)

**Warehousing –** Large-scale commercial storage building or building of general merchandise, component parts, refrigerated good, agricultural parts.

**Yard.** A space on the same lot with a principal building which is open, unoccupied, and unobstructed by structures from ground to sky except where encroachments and accessory structures are expressly permitted under this Ordinance.

**Yard, Front.** A yard extending the full width of the lot, situated between the front lot line and a line parallel thereto passing through the nearest point of the principal structure.

**Yard, Rear.** A yard extending the full width of the lot, situated between the rear lot lineand a line parallel thereto passing through the nearest point of the principal structure.

**Yard, Side.** A yard situated between the side lot line and a line parallel thereto passing through the nearest point to the principal structure and extending from the front yard to the rear yard.

**Zoning administrator.** The person, officer, and the person's authorized representative, whom the Village Aldermen have designated as their agent for the administration and enforcement ofthis Ordinance. See Enforcement officer.

**Zoning Permit.** A statement, signed by the Zoning administrator, stating that the plans for a building, structure, or use of land complies with this Ordinance.

**Zoning Vested Right** - A right pursuant to G.S. 160D-108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

## CHAPTER 3 ADMINISTRATION AND ENFORCEMENT

## ARTICLE I. ADMINISTRATION AND PERMITS

### Section 3-1. Enforcement Officer

A. The Enforcement Officer, an administrative official designated by the Village Aldermen, shall administer and enforce this Ordinance. This official may be provided with the assistance of such other persons as the Village Aldermen may direct.

B. The Enforcement Officer or designee may inspect work undertaken relating to any development approvals to assure that the work is done in accordance with applicable State and local laws and in accordance with the terms of the development approval. In exercising this power, staff are authorized to enter any premises within the jurisdiction of the Village 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.

### Section 3-2. Zoning Permit Required

No building or other structure shall be erected, moved, added to or structurally altered without a zoning permit therefore issued by the administrative official. A zoning permit shall not be issued by the administrative official except in conformity with the provisions of this Ordinance. If the permit is denied, reasons shall be stated for the denial.

### Section 3-3. Application for Zoning Permit

A. Application for Permit – The Village shall specify the content of applications and number of copies of submissions for zoning permits. Applications shall include but not be limited to: (a) plans drawn to show the actual dimensions and shape of the lot to be built upon, the exact sizes and locations on the lot of all buildings already existing, if any, and the location and dimensions of the proposed building or alteration; (b) existing or proposed uses of the building and land; (c) the number of units the building is designed to accommodate; (d) conditions existing on the lot and on nearby lots; and (e ) such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance. The Enforcement office shall retain a record of all zoning permits issued by the Village.

B. Permits limited to application applied for - Zoning permits or certificates of zoning compliance issued by the zoning administrator or other officers or agencies where additional approval is required to authorize only the use, arrangement, location and construction set forth in such approved plans and applications, and no other use,

arrangement, location or construction. Use, arrangement, locations, or construction at variance with that authorized shall be deemed a violation of this Ordinance , punishable as provided by Section 3-10 Penalties.

C. Revocation of Permit – As provided in G.S. 160D-403(f), the Enforcement Officer may revoke a zoning permit for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any Village regulation or any applicable State law; 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.

**Section 3-4. Expiration of Zoning Permit**

A. If the work described in any zoning permit has not begun within six months from the date ofissuance thereof, or in the case of a special exception within the time limit established therefore, the permit shall expire and be cancelled by the administrative official. Written notice thereof shall be given to the persons affected.

B. If the work described in any zoning permit has not been substantially completed within one year of the date of issuance thereof, or in the case of a special exception, within the time limit established therefore, said permit shall expire and be cancelled by the administrative official. Written notice thereof shall be given to the persons affected, including notice that further work as described in the cancelled permit shall not proceed unless and until a special zoning permit has been obtained.

**Section 3-5. Building Permit Required**

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the County Building Inspector. No building permit shall be issued without a zoning permit signed by the Zoning administrator.

**Section 3-6. Certificate of Occupancy Required**

A certificate of occupancy is required in advance of the occupancy or use of a building hereaftererected, altered, or moved; or a change of use of any building or land.

**Section 3-7. Permit Choice**

An applicant who has secured a development approval or approval before this ordinance was readopted, may choose to apply either the old or new ordinance pursuant to 160D-108(b). See also Chapter 11 Vested Rights and Development Agreements for further guidance.

**Section 3-8 No Action Until Fees Paid**

No permit, certificate, special use permit or variance shall be issued or granted until such costs, charges, fees, or expenses have been paid in full.

**ARTICLE 2. ENFORCEMENT**

**Section 3-9. Complaints Regarding Violations**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the administrative official. The administrative official shall record the complaint properly, investigate promptly, and take action thereon as provided by this Ordinance.

**Section 3-10. Violations**

The below procedures for violations of this Ordinance, as provided for in G.S. 160D-404, shall be complied with.

A. Notice and Order -If the administrative official shall find that any of the provisions of this Ordinance are being violated, the administrative official shall, by personal or mailed delivery, submit a written Notice of Violation to the owner or tenant of the property, indicating the nature of the violation and what is required to correct the violation. If the owner or occupant fails to take prompt corrective action, the administrative official shall issue an Order of Compliance to discontinue the illegal use of land, buildings or structures, removal of illegal buildings of structures or of additions, alterations or structural changes thereto, and the discontinuance of any illegal work being done.

B. Appeal to Board of Adjustment - An owner or occupant who has received a Notice of Violation and Order of Compliance may appeal, in writing, the decision of the Administrative Official to the Board of Adjustment within ten days following the date of receipt or posting of the Notice of Violation and Order of Compliance.

C. Action by Board of Adjustment -The Board of Adjustment shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation and Order of Compliance. In the absence of an appeal, the remedies and penalties sought by the Administrative Official in the Notice of Violation and Order of Compliance shall be final.

1. Order of Corrective Action by the Board of Adjustment - If upon a hearing held pursuantto an appeal as prescribed above, the Board of Adjustment finds that the owner or occupant is in violation of this Ordinance, the Board shall issue an order in writing to the owner or occupant affirming the violation and ordering compliance.

2. Failure to Comply with an Order - If the owner or occupant of a property fails to comply with a Notice of Violation and Order of Compliance from which no appeal has

been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided in Section 3-11 below. If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

**Section 3-11. Penalties and Remedies**

A. Civil Penalty; Assessment and Procedures
   1. Penalty - Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount of twenty-five dollars ($25.00) per day

   2. Notice- No civil penalty shall be assessed until the person alleged to be in violation has been notified in writing of the violation. If the owner or other violator fails to take corrective action, a civil penalty may be imposed under this Section in the form of a citation requiring payment within fifteen (15) days of the date of the notice.

   3. Continuing Violation -For each day the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

   4. Nonpayment - If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel forinstitution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty.

B. Denial of Permit or Certificate - The Zoning Enforcement Officer may withhold or deny any permit, certificate, occupancy or other form of authorization on any land, building, sign, structure or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate or other authorization previously granted.

C. Equitable Remedies – If any building or structure is erected, constructed, reconstructed, altered, maintained or used in violation of this Ordinance, or regulations in furtherance hereof, the Village Board of Aldermen, Village Attorney, administrative official, or any person aggrieved may, as provided by G.S. 160A-175, in addition to other remedies provided by law, institute enforcement by injunction, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erecting, construction, reconstruction, alteration, maintenance or use.

**Section 3-12 Administrative Conflicts of Interest**

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the

staff member or if the applicant or other person subject to that decision is a person with whomthe 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 Village Clerk. For purposes of this section, a “close familial relationship” means a spouse, parent, child,brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

# CHAPTER 4 DISTRICT REGULATIONS

## ARTICLE 1. DSTRICTS ESTABLISHED AND INTENT

### Section 4-1. Purpose of Dividing the Village into Districts

A. For the purpose of promoting the health, safety and the general welfare of the Village of Alamance, the Village is divided into districts within which are regulated and restricted the erection, construction, reconstruction, alteration, repair and use of buildings, structures and land, the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of development and the location and use of buildings, structures and land for business, industry, residence or other purposes.

B. The regulations in this ordinance are made in accordance with a comprehensive plan and are designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements. Such regulations have been made with reasonable consideration, among other things, to the character of each district and its peculiar suitability for particular uses and with a view to encouraging the most appropriate use of land throughout the municipality.

### Section 4-2. Removal of Territory from Village; Annexation

In the event of changes in Village limits removing territory from the Village, district boundaries shall be construed as moving with Village limits. In the event of annexation of new areas to the Village, such areas shall be zoned as recommend by the Planning Board and approved by the Board of Aldermen.

### Section 4-3. Establishment of Districts

The purpose of this section is to list and describe the zoning districts herein adopted. For the purpose of this ordinance, the Village of Alamance and its one-mile extraterritorial jurisdiction are hereby divided into the following use districts:

| | |
|---|---|
| R A | Residential Agriculture (low density) |
| R20 | Residential District (low density) |
| R15 | Residential District (moderate density) |
| RM | Residential Manufactured Housing District |
| H | Historic District |

| | |
|---|---|
| MU | Mixed Use District |
| CO | Conservation District |
| I | Industrial District |

Residential/Agriculture District RA - The RA Residential/Agriculture District is established as a low density district in which the principal use of land is for single family residences and agriculture. Requirements in this district are designed to ensure that a rural character is maintained.

Residential District, Low Density R20 - The R20 Residential District is established as a low density residential district in which the principal use of land is for single family residences.

Residential District, Moderate Density R15 - The R15 Residential District is established as a moderate density district in which the principal use is single family residences.

Residential Manufactured Home District - The R-M district shall permit Class A and Class B manufactured homes as well as all uses permitted in the R-A district. Only a single-family house or manufactured home shall be placed on a lot

Historic District H - The H Historic District is established as a high density single family residential district. Property owners are urged to maintain the character in new construction, alterations, and/or repairs.

Mixed Use District MU - The MU Mixed Use District is the Village center district established for a mixture of commercial, office, and residential uses likely to find proximity to be mutually beneficial. The neighborhood scale businesses and services are intended to meet some of the basic needs of a limited residential area.

Conservation District CO - The CO Conservation District is the designated flood prone area of the Village as shown on the Flood Hazard Maps and Flood Insurance Rate Maps of Alamance County. Single family residential uses and bona fide farms are allowable in this district, provided they comply with all FEMA requirements; but otherwise, land within this district is best left undeveloped.

Industrial District I - The I Industrial District is intended to provide for light industry, manufacturing, and warehouse uses.

**ARTICLE 2 CONDITIONAL DISTRICTS**

**Section 4-4. Purpose and Establishment**

A. *Promotes compatibility* - A Conditional District is established by rezoning a parcel to a

conditional district in which only the approved use with site-specific conditions is permitted. When rezoned, the use of the property is subject to the standards and conditions imposed as part of a legislative decision that creates the Conditional Zoning District and applies it to a particular property.

B. *Parallel Conditional Districts Established for Each Zoning District* - A Conditional District, bearing the designation CD (e.g., MU-CD), is hereby established as a parallel district for every district established in the list of General Use districts.

C. *Owner must request; Village may identify certain uses requiring CD* – In all cases, the property owner must request rezoning to a Conditional District. This may be done under any circumstances when the owner believes a site-specific development plan will increase the potential compatibility of the proposed use. In some cases, the Village may identify in advance certain uses, shown on the Table of Permitted Uses, that require rezoning to the parallel Conditional District.

**Section 4-5. Submissions**

Review and approval of conditional zoning petitions involve a legislative hearing and legislative decision by the Board of Aldermen. The review of conditional district zoning petitions shall be undertaken in accordance with the normal rezoning procedure with the following additions:

A. *Submissions:* The property owner(s) must request the conditional zoning and shall submit a master site plan that includes:
    1. A boundary survey, with metes and distances showing the property's gross acreage, current zoning classification(s), the location of adjacent public streets, railroad right-of-way, bodies of water (ponds, lakes, streams, rivers, creeks), date of submittal, north arrow, and vicinity map;
    2. All existing and proposed easements, reservations and rights-of-way with street section and widths;
    3. Footprint of existing and proposed structures;
    4. Proposed use of all land and structures, including the number and type (single-family detached, multifamily, town homes, apartments) of residential units and/or the total square footage of any nonresidential development:
    5. All setbacks, buffers, screening, and landscaping required by Village regulations and/or conditions proposed by the petitioner;
    6. Building materials, façade, signage, design features that evidence compatibility with the surrounding area.
    7. All existing and proposed access points to public streets and traffic control devices;
    8. Generalized drainage plan of existing and proposed drainage patterns, buffers, delineation of regulatory floodplains, delineated wetlands, riparian buffers and open space;
    9. Proposed phasing, if any;

10. General location and number of parking spaces and circulation plan;
11. A statement in each petition analyzing the reasonableness of the proposed conditional zoning. The statement shall include, but not be limited to, the following: (a) the conditional zoning's compatibility with the adopted Plan of the Village; (b) the benefits and detriments of the conditional zoning for the subject property, neighboring properties, and the surrounding community; and (c) the conditional zoning's compatibility with the existing land uses on adjacent and neighboring tracts.
12. Reference to provisions, in any Village or County comprehensive plan or other applicable plans that refer to or anticipate impacts reasonably expected to be generated by the development or use of the site.

B. The Administrator or other designated staff member may waive an application requirement where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

C. In the course of evaluating a petition for conditional zoning for a proposed use or development, the Village may request additional information from the petitioner related to: number and location of all structures, exterior features, building materials, architectural style, signage and any additional information needed to demonstrate that conditional zoning will minimize particular impacts and protect both the immediate area and the community as a whole.

D. Minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments. (NCGS 160D-703(b))

**Section 4-6. Community Meeting**

The Village shall sponsor an information meeting involving the developer, Planning Board, and adjacent property owners. The purpose of the informal meeting is to provide a time for adjoining property owners to meet with the developer and the Village staff to review preliminary proposals before they are presented at a public hearing conducted by the Board of Aldermen. Notices of this Information Meeting shall be sent by First Class mail at a minimum to all adjoining property owners.

**Section 4-7. Review and Approval**

A. *Review and Approval Process*: The review and approval of a petition for a conditional zoning district shall follow the same legislative process as outlined for a general use rezoning.

Conditional zoning district decisions shall be made in consideration of identified relevant

adopted land use plans for the area, including, but not limited to, land development plans, comprehensive plans, strategic plans, district plans, small area plans, corridor plans, and other land development policy documents.

B. Conditions to Approval - Specific conditions applicable to the conditional zoning districts may be proposed by the petitioner or the Village or its agencies, but only those conditions mutually approved by the Village and by the petitioner may be incorporated into the zoning regulations or permit requirements.

1. Conditions and site-specific standards imposed in a conditional zoning district shall be limited to those that address the conformance of the development and use of the site to Village ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.
2. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Board of Aldermen may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the Village or state, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
3. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions before final action by the Board of Aldermen. Evidence of the petitioner's approval shall be documented by the petitioner's signature on the conditions or in the minutes of the meeting in which the conditional zoning is acted upon.
4. If for any reason any condition for approval is found to be illegal or invalid or if the petitioner should fail to accept any condition following approval, the approval of the site plan for the district shall be null and void and of no effect and proceedings shall be instituted by the Village to rezone the property to its previous zoning classification or to another zoning district.

C. *Effect of Approval*: If the conditional rezoning is approved, the use of the property shall be governed by zoning requirements for the underlying district, the approved site plan for the Conditional Zoning District and any other approved conditions. These conditions shall be binding on the property as an amendment to the zoning map. The subject property shall be identified on the official Zoning map with the underlying general district followed by the letters "CD" (example "MU CD").

D. *Alterations to Approval:* Except as provided in subsection 1(b), below, substantial changes to an approved petition or to the conditions attached to the approved petition shall be treated the same as amendments to this Ordinance or to the zoning map and shall be

processed in accordance with the procedures in this Ordinance.

1. The Village Administrator shall have the delegated authority to administratively approve an amendment to an approved site plan that is not substantial.
    a. A substantial change that may not be approved administratively is one that :
        - decreases use of compatible design features, including building styles and materials, signage and lighting, and site layout, both internal to the development and as it impacts external development;
        - decreases pedestrian features such as sidewalks, crosswalks, and external pedestrian connections; or
        - changes the use(s) approved for the property.
    b. A change may be approved administratively and is not substantial if it reduces impacts on surrounding properties in one or more of the following ways:
        - it decreases intensity of land uses proposed on the site (.e. numberof housing units or gross floor area) by more than10%;
        - it increases proposed setbacks by more than 10% by locating buildings closer to internal property lines without increasing the setbacks of proposed buildings from public streets;
        - a significant increase in the visually obscuring buffers along the perimeter of the site that includes preserved vegetation, added landscaping, walls and fences, or the use of topography;
        - a decrease in the traffic impact due to a significant decrease or shift in the number, location or configuration of access points to or additional road improvements for the development; or
        - a greater than 10% increase in the amount of usable or passive open space, tree preservation, greenways, or trails providedon the site.

    Any decision by the Administrator must be in writing stating why the requestedchange is not substantial and why it is approved.

2. Any request for an administrative amendment shall be pursuant to a written letter, signed by the owners of all of the property affected by the proposed change, detailing the requested change. Upon request, the applicant shall provide any additional information as deemed necessary by the Administrator or the Administrator's designee working directly with the developer. Upon an approval of an administrative amendment, the applicant shall file a sufficient number of copies of the revised site plan as deemed necessary by the Administrator or Administrator's designee.

3. If the Administrator finds that the requested changes are substantial, as described above, the applicant may file a rezoning petition for a public hearing and Board of Aldermen decision

**Section. 4-8. Progress Following Approval of a Conditional Zoning District**

A conditional rezoning decision is based on firm plans to develop the property. Therefore, no sooner than two (2) years after the approved rezoning, the Planning Board may examine the progress made toward developing the property in accordance with the approved rezoning and associated conditions. If the Planning Board determines that progress has not been made in accordance with the approved petition and conditions, the Planning Board shall forward to the Board of Aldermen a report which may recommend that the property be rezoned to its previous zoning classification or to another district.

**ARTICLE 3 INTERPRETATIONS Of DISTRICT REGULATIONS AND BOUNDARIES**

**Section 4-9. District Boundaries Shown on Zoning Map**

The boundaries of the districts are shown on the map accompanying this Ordinance and made a part hereof and entitled "Official Zoning Map, Village of Alamance, North Carolina." The zoning map and all the notations, references and amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described as set out herein. The zoning map is posted at the Village of Alamance Village Hall and is available for inspection by the public.

**Section 4-9. Rules for Interpretation of District Boundaries**

A. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
    1. Boundaries indicated as approximately following the center lines of streets or highways, shall be construed to follow such center lines;

    2. Boundaries indicated as approximately following the right-of-way of streets or highways, shall be construed to follow such rights-of-way;

    3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

    4. Boundaries indicated as approximately following Village limits shall be construed as following such Village limits;

    5. Boundaries indicated as following railroad lines shall be construed to be midway

between the main tracks;

6. District boundaries indicated as approximately parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed and at such distance therefrom as indicated on the Official Zoning Map. Distance not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where a district boundary divides a lot which was in single ownership at the time of passage of these regulations, the Board of Adjustment may, as a special exception, permit the extension of the regulations for either portion of the lot not to exceed fifty feet beyond the district boundary line into the remaining portion of the lot.

**Section 4-10. Interpretation of District Regulations Applicable to Unlisted Uses**

The procedure provided for below shall be used to determine if an unlisted use shall be permitted within the Village's Zoning jurisdiction. Additional uses in character with a district may be added to this Ordinance by amendment.

*Findings by the Board of Aldermen*: Where a particular use category or use type is not listed or closely aligned to a use in the Permitted Uses Table, the Administrator shall make a recommendation to the Board of Aldermen at the next scheduled meeting as to whether the proposed use should be permitted or denied. The Board of Aldermen shall make the final decision after considering the following criteria:

1. intent of the Ordinance concerning the district(s) involved
2. the character of the proposed use
3. the impact of the proposed use on the zoning district taking into consideration:
   a. the type, size and nature of buildings and structures;
   b. the impact on adjacent properties created will not be greater than that ofother uses in the zoning district;
   c. parking requirements and traffic generation;
   d. whether the intensity, volume, size or the operation or activity has thepotential to be a nuisance to the surrounding properties

Following determination by the Board, the property owner/applicant shall be immediately advised of the decision

P = Permitted Use S = Special Use
Development Standards – Notes = Use is permitted as long as development standards in the Note are met

| USE | RA | R20 | R15 | RM | H | MU | I | CO | Development Standards -Notes |
|---|---|---|---|---|---|---|---|---|---|
| Accessory Uses and structures to any permitted principal use | P | P | P | P | P | | | | See Note 1 |
| Assisted living, Nursing home | S | S | S | | | S | | | |
| Auto Repair, Body Shops and Associated Work | | | | | | S | | | |
| Beauty and Barber Shops | | | | | | P | | | |
| Bed and Breakfast homes, Air B & B | P | P | P | | | P | | | See Note 2 |
| Cemeteries | S | S | | | S | | | | |
| Churches, including educational buildings and similar church related activities Including outdoor play areas | P | P | P | P | P | P | | | See Note 3 |
| Construction Office, Class A or B manufactured home, temporary, permitted until certificate of occupancy is issued | | | | | | P | P | | See Note 4 |
| Copy shops | | | | | | P | | | |
| Convenience Stores | | | | | | P | | | |
| Dwelling, Class A/B Manufactured Home on individual lots in RM district | | | | P | | | | | See Note 5 |
| Dwelling, Manufactured home class A/B on bona fide farm, same tract as the original residence | P | | | | | | | | See Note 6 |
| Dwelling, single-family | P | P | P | P | P | P | | P | |

P = Permitted Use S = Special Use
Development Standards – Notes = Use is permitted as long as development standards in the Note are met

| USE | RA | R20 | R15 | RM | H | MU | I | CO | Development Standards -Notes |
|---|---|---|---|---|---|---|---|---|---|
| Family care home, no closer than ½ mile radius from another. (See definition) | P | P | P | | | | | | |
| Farms, bona fide and their customary appurtenances—crops & livestock; excluding commercial swine and poultry operations | P | P | | | | | | P | |
| Government office buildings including post offices | | | | | | P | | | |
| Group Development, commercial/business/ industrial areas under unified control, including Shopping Centers | | | | | | S | S | | |
| Historical Museums | P | | | | P | P | | | |
| Home occupations | P | P | P | P | P | P | | | See Note 7 |
| Industrial uses, manufacturing | | | | | | | P | | |
| Nursing Home, Assisted Living Home | S | S | S | | | S | | | |
| Off-street parking or loading areas serving a use in the same district in which these areas are situated | P | P | P | P | P | P | P | | |
| Offices, professional | | | | | | P | | | |
| Optical Shops | | | | | | P | | | |
| Outdoor storage as accessory use | | | | | | | P | | See Note 8 |
| Printing operations, commercial | | | | | | ~~P~~ | P | | |
| Public parks, playgrounds | P | P | P | P | P | | | P | |

P = Permitted Use S = Special Use
Development Standards – Notes = Use is permitted as long as development standards in the Note are met

| USE | RA | R20 | R15 | RM | H | MU | I | CO | Development Standards -Notes |
|---|---|---|---|---|---|---|---|---|---|
| Public safety facilities | P | P | P | P | | P | P | | See Note 9 |
| Public utility substations, utility towers. pumping stations, storage tanks | P | P | P | P | P | P | P | P | See Note 10 |
| Repair shops (electrical, mechanical equipment; furniture repair; upholstery | | | | | | P | | | |
| shops) | | | | | | | | | |
| Residential Cluster Development | S | S | S | | | | | | |
| Restaurant, café, excluding drive-thru | | | | | | S | | | |
| Retail sales and services including consignment and antique shops | | | | | S | P | | | |
| Schools | P | P | P | P | | | | | |
| Service Stations | | | | | | P | P | | |
| Shopping Centers (see Group Development) | | | | | | S | | | |
| Warehouses, commercial storage | P | | | | | | P | | |
| Warehouses, self-storage; mini warehouses | | | | | | P | P | | See Note 11 |

## Section 4-12. Notes to Table of Permitted Uses – Development Standards

The Development Standards in these Notes provide regulations and conditions must be verified by the Zoning Administrator in order for a zoning permit to be issued. The purpose of these conditions is to assure that certain uses which may have complexity, or are potentially incompatible with their surroundings, meet the specified restrictions. Each use with required development standards shall comply with the regulations of the district in which it is located and with the requirements specified in these Notes.

**Note 1. Accessory Uses and Structures –** In residential districts

a. Accessory structures shall be located in a rear yard not less than five (5) feet from the rearlot line. The side yard setback shall be the same as for the side yard setback for the districtwhere located, provided that in no case shall the structure be located within 20 feet of any street right-of-way.
b. Structures except for utility substations or similar structures shall not be located within any easement.
c. Separate structures must be located a minimum of 10 feet away from the principal building.
d. Such structures shall cover not more than thirty percent (30%) of the rear yard.
e. Built-in swimming pools are not considered accessory structures.

**Note 2. Bed and Breakfast), Air B and B**

a. A Bed and Breakfast home (B and B) or Air B and B shall not be located within four hundred (400) feet of a rooming house, boarding house or another tourist/guest home.
b. The B and B or Air B and B must be owned by the property owner who also resides onthe property.
c. The use shall be located in a structure which was originally constructed as a dwelling.
d. Meals served on the premise shall be for guests of the facility.
e. There shall be no exterior advertising except that which is permitted for a home occupation.

**Note 3. Churches**

a. A Church or other place of worship may be allowed in a Residential District subject to the requirements of the district where it is located and provided that the structure shallhave minimum side and rear yards of fifty (50) feet and a front yard at least twenty-five (25) feet greater than that required for a single-family residence within the district, andthat the off-street parking requirement of this ordinance are met.

b. An outdoor play area for a church in any zoning district shall be enclosed by a fence or other protection. The height shall be a minimum of four feet and the

## Section 4-12. Notes to Table of Permitted Uses – Development Standards

top of the fence shall be free of protrusions. The fencing shall exclude fixed bodies of water such as ditches, quarries, canals, excavations, and fish ponds. Gates to the fencedoutdoor play area shall remain securely closed while children occupy the area.

**Note 4. Construction Office Manufactured Home Class A or B, Temporary**

A manufactured home type structure (Class A or B) may be temporarily permitted in the MU and I districts as a construction office on the same lot in which a building is being erected until the certificate of occupancy has been issued. Such structures shall comply with the front and side yard requirements of the district and shall be moved off the lot before or immediately upon issuance of the Certificate of Occupancy for the building being constructed.

**Note 5**. **Dwelling, manufactured Home, Class A/B, Located on a Lot in RM District**

a. Every manufactured home located in the R-M Residential-Manufactured Home District shall be located on the lot with the long dimension of the manufactured home parallel tothe street right-of-way on which the lot fronts.
b. In no case shall a manufactured home be located less than 35 feet from the street right-of-way on which a lot fronts.

**Note 6**. **Dwelling, manufactured home, Class A or B, located on bona fide farm on same tractof land with an existing residential structure or other principal use**

A manufactured home located on a bona fide farm (RA District) may be placed on the same tract of land as the original residential structure if it meets the following conditions:

a. the manufactured home shall be occupied only by the children, parents, brothers, or sisters of the legal owner of the farm;
b. the manufactured home shall be the full-time, permanent residence of the children, parents, brothers, or sisters inhabiting the structure;
c. the manufactured home shall be located at least 500 feet from any adjoining tract of land or public street;
d. a vegetative screen, natural or planted, shall be maintained on the farm to screen the home from residential development located on adjoining tracts;
e. a vegetative screen, natural or planted, shall be maintained on the farm to screen the home from any public street located within 1,000 feet of the home;
f. the manufactured home shall not be located closer than thirty (30) feet to an existing residential structure located on the farm.
g. If at any time in the future the manufactured home, its location, or its use as a residence fails to meet any of the criteria listed within this ordinance, the occupation of such home shall cease until all criteria are met.
h. If the manufactured home continues to violation any provision of this ordinance or

## Section 4-12. Notes to Table of Permitted Uses – Development Standards

remains vacant for a period of six months, the home shall be removed from the farm. No other manufactured home may be placed on the farm without being issued a specialuse permit.

i. If the land upon which the manufactured home is located is subdivided from the originaltract of land, the subdivided portion upon which the home is located must meet the definition of a bona fide farm or the manufactured home must be removed.

**Note 7. Home Occupation**

A home occupation as defined in this ordinance may be allowed in any Residential District subject to the following requirements:

a. Before establishing a home occupation, the operator shall obtain a Home Occupation Permit from the administrator.
b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants.
c. The business or service must be located within the dwelling or an associated accessory building and may not exceed 25 percent of the combined floor area or 500 square feet,whichever is less.
d. No more than one (1) person not in residence shall be engaged in such occupation.
e. There shall be no outside storage or change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding one (1) square foot in area, non-illuminated, and mounted flat against the wall of the principal building is permitted.
f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in any required yard;
g. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, or electrical interference detectable to the normal senses off thelot, if the occupation is conducted in single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
h. There shall be no sales in connection with such home occupation except as made or crafted on the premises by the occupant, or as permitted in the Table of Permitted Uses.

**Note 8. Outdoor storage as accessory use in I district**

a. Outdoor storage as an accessory use shall not be located within any required yard.
b. It shall be located in a designated area abutting the associated building(s).

## Section 4-12. Notes to Table of Permitted Uses – Development Standards

c. Outdoor storage as an accessory use shall not be located within any required buffer yardas provided in Chapter 8 Landscaping and Buffer Yards.
d. Areas must be fully screened from ground level view from adjacent residential properties and public streets as provided in Chapter 8 Landscaping and Buffer Yards.

**Note 9**. **Public Safety Facilities**

a. All vehicles and equipment shall be stored indoors (except for police vehicles).
b. All buildings shall be set back at least twenty (20) feet from all property lines.
c. The buildings shall be designed and landscaped in such a way as to blend in withthe surrounding area.

**Note 10. Public Utility Substations, Utility Towers, Pumping Stations, Storage Tanks**

Such utility facilities shall be set back at least 20 feet from all property lines and landscaped in such a way as to blend in with the surrounding area.

**Note 11. Warehouses, mini; self-storage** (when located in MU district)

a. Storage of hazardous, toxic or explosive materials is prohibited.
b. No outsider storage, including but not limited to boats, RV's, vehicles, storage pods, is permitted
c. No business activity other than rental of storage of units may be conducted on the premises.
d. Perimeter landscaping shall comply with the requirements of Section 8-3. Roadside Landscaping Requirements, Parking Lots with More Than 10 Spaces.
e. If there are adjacent residential uses, landscaping shall comply with Section 8-5. Buffering/Screening of Adjoining Incompatible Land Uses.
f. Self-storage facilities adjacent to residential uses shall not operate or allow tenant access between the hours of 10:00 P.M. and 6:00 A.M.
g. All buildings associated with self-storage uses shall have exterior vertical surfaces with at least fifty (50) percent of the area covered by a material or combination of materials such as decorative brick veneer, stone, stucco, textured block or similar textured materials with no one material exceeding fifty (50) percent of said area when directly fronting a street or when within public view from a street.
h. Building walls exceeding fifty (50) feet in length shall be broken or staggered and shallnot exceed a length of one hundred fifty (150) linear feet regardless of modulation.
i. No more than 50 percent of the total site may be occupied by buildings.
j. All areas intended for driving, parking and loading shall be paved with asphalt or concrete.
k. Adequate queuing space shall be provided on-site to prevent vehicles from using adjacent streets for maneuvering.

## Section 4-12. Notes to Table of Permitted Uses – Development Standards

l. A signed statement by the Village engineer that the site plan for placement of roads, buildings, parking areas, and points of ingress and egress has been reviewed and that itminimizes stormwater runoff from the site.

# CHAPTER 5 SPECIAL USES

**Section 5-1. Objectives and Purposes.**

A. Permitting special uses adds flexibility to this Ordinance. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any negative effects they might have on surrounding properties.

B. The uses for which special use permits are required are listed in Section 5.3 Regulations for Special Use Permits, along with a detailed description of the procedures which must be followed in the issuance of each such permit. Uses specified in this section shall be permitted only upon the issuance of a special use permit.

**Section 5-2. Special Use Permits Granted by Board of Adjustment**

A. Special use permits may be granted by the Board of Adjustment (the Board of Aldermen functioning as the Board of Adjustment) for the uses enumerated in the Regulations for Special Uses in Section 5-3. The Planning Board shall have an opportunity to review and provide written comments on the application before the meeting at which the Board of Adjustment conducts a quasi-judicial hearing and renders a final decision.

B. The owners of all the property included in the petition for a special use permit shall submit an application to the Village Clerk at least three weeks before the regular meeting of the Planning Board. The Planning Board shall make its recommendations such that notice can be provided before the meeting of the Board of Aldermen at which the Aldermen will convene as the Board of Adjustment to considerthe petition. Such application shall include all of the requirements pertaining to it as describedin this section.

C. Before an application is placed on the agenda of the Board of Adjustment, it shall be reviewed for completeness by a site plan committee composed of the Mayor, Zoning Administrator, county building inspector, fire personnel and the Village engineer. The committee may request corrections or improvements to the application to meet Village standards, and it may make recommendations to increase the potential compatibility of the use with the surrounding area before the agenda is placed on the Board of Adjustment agenda.

D. On receiving a complete application for a Special Use Permit, the Board of Adjustment shall give notice of a quasi-judicial hearing on the application in the manner provided by NCGS 160D-406(b). This shall include written notice to the person making the application, the owner of the subject property, and to owners of all parcels abutting the subject property. Notice

shall be deposited in the mail at least 10 days but not more than 25 days before the date of the hearing, and within the same time period the Village shall post a notice of the hearing on the site.

E. As provided by NCGS 160D-705 the hearing shall be quasi-judicial; and the Board shall swearin all witnesses and shall follow all proceedings for an evidentiary hearing set out in NCGS 160D-406.

F. The Board of Adjustment shall consider the application and shall provide the applicant an opportunity to present evidence, cross examine witnesses and present rebuttal evidence. Unlike a legislative hearing, only those witnesses proposing and opposing the special use who would be directly and substantially affected by the decision may speak at the hearing.

G. At the conclusion of the hearing, the Board of Adjustment may grant or deny the special use permit. As provided by NCGS 160D-406(j) the Board of Adjustment shall determine the facts based on competent, material and substantial evidence in the record. The voting requirements for granting a variance (NCGS 160D-406(i)) are *not* applicable to granting of special use permits.

H. The special use permit, if granted, shall include approval of plans as may be required and thefollowing findings:

(1) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
(2) The use meets all required conditions and specifications of the permit;
(3) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
(4) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in generalconformity with the plan of development of the Village and its environs.

I. The Board of Adjustment may make additional conditions, in addition to the findings as will, in its opinion, ensure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted, on the special use permit certificate itself, on the approved plans submitted therewith, and shall have the applicant's written consent. All specific conditions shall run with the land and shall be binding on the original applicants for the special use permit, their heirs, successors and assigns.

J. In addition to the conditions specifically imposed in this chapter and such further conditions as the Board of Adjustment may deem reasonable and appropriate, special uses shall comply with the

height, area and parking regulations for the zoning district in which they are located and with yard regulations for the zoning district where they are located.

K. The decision shall be in writing, signed by the chair or other duly authorized member of the Board and shall be filed with the Village clerk and agreed to in writing by the applicant.

L. Appeal. The decision of the Board of Adjustment, as with any quasi-judicial decision, shall be subject to review by the superior court of Alamance County by proceedings in the nature of certiorari pursuant to NCGS 160D-406(h). A petition for review shall be filed with the clerk of superior court within 30 days after the applicant has received written notice of the decision.

M. For failure to comply with the plans approved by the Board of Adjustment or with any other conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect.

**Section 5-3. Regulations for Special Use Permits.**

A. **Assisted Living, Nursing Home**

Special Use districts: RA, R20, R15, MU

1. *Minimum Size* : An assisted living facility or nursing home shall meet all setback requirements of the zoning district in which it is located.
2. *Parking and loading*. Assisted living, .75 spaces per dwelling unit
3. *Plans required.* Plans required must show the following:
    a. *Structures.* Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
    b. *Circulation.* Proposed points of access and egress and pattern of internal circulation.
    c. *Parking and loading.* Layout of parking spaces
    d. *Landscaping and screening.* A minimum 15 foot natural or planted buffer along property lines abutting a single-family use or zoned lot. The combination of trees and or shrubs and height shall be as provided in Section 8.5 Buffering/Screening of Adjoining Incompatible Land Uses
4. *Lighting*: No direct light shall be cast upon adjacent property.
5. *Operation:*
    a. A facility shall provide centrally located shared food preparation, service, and majordining areas.
    b. Common recreation, social, and service facilities shall be provided. These facilities shall be solely for the use of residents and their guests.
    c. Offices and supporting facilities for resident managers or custodians providing administrative services and traditional medical services for the exclusive use of

the residents shall be located on the site.

d. *Other Requirements.* Must meet all requirements for licensing by the state. If located by special use in the RA district, provisions must be made for water supply and waste treatment adequate for maximum use of the facility, approved by the Village and relevant county and state health and environmental officials. If located in a residential district, there must be ample site area, adequate open space on all sides of the proposed structure and other considerations, including landscaping to the character of the neighborhood so that its residential nature will be preserved.

B. **Auto Repair, Body Shops and Associated Work**

Special Use District: MU

1. Plans or drawings shall be presented showing: setback of building from right-of-way, proposed signage consistent with Chapter 7, and area for parking or storage ofvehicles
2. All associated work shall be performed inside a building.
3. Parking or storage of vehicles or implements shall be provided off the public right-of-way and at least fifteen (15) feet behind the front property line.
4. If the use abuts a residential use permanent visual screening or trees or shrubs that buffer the use shall be provided.

C. **Cemeteries**

Special Use District**:** RA, R20, H

1. The owner and/or developer and the cemetery itself shall meet all applicable requirements of G.S.65 Article 9 The North Carolina Cemetery Act.
2. Cemeteries shall have direct access to a major or minor thoroughfare.
3. A site plan shall be submitted that shows location of entrances and exits,buildings, signage, pattern of internal circulation and storm drainage.
4. There shall be adequate off-street facilities for funeral procession.
5. A screen of dense plant material not less than six (6) feet high shall be planted where the cemetery abuts a residential lot. Additional buffering or landscaping may also be required elsewhere.
6. No cemetery shall contain a crematorium

D. **Group Development** (More Than One Principal Structure on a Lot)Special Use Districts: MU and I

Applicable to a group commercial or industrial development under unified control which consists of more than one structure or permissible principle use on a single tract. Yard and other space requirements may be varied to accommodate design flexibility, and, where located in the MU district, compatibility with the scale and set-back of adjacent structures.

1. Site considerations:
   a. Such developments shall abut a major roadway or a collector street and shall have

direct access thereto.

b. Minimum setback of buildings from the street right-of-way shall be as shown for the applicable district in Section 6-1 Dimensional Requirements. This setback shall be measured from the major access street abutting the development.
In the MU District, setbacks should be substantially the same as adjacent properties,so as not to distract from the rural mill village atmosphere. If a greater setback from the street right-of-way is proposed, landscaped buffers shall screen parking areas, and the first ten feet from the right-of-way shall be developed for grass, plants andsidewalks and shall not be used for any purpose except necessary entrances and exits and shall not be used for off-street parking.
c. Points of ingress and egress shall consist of a driveway or roadway at least 20 feet in width and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
d. The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.
e. Consideration shall be given to parking at the side of the group development. Parking areas shall have a paved surface, and all parking areas shall be clearly marked.
f. Within required yards abutting a street right-of-way all areas adjacent to proposed or existing parking lots and with required front and/or side yards abutting a street right-of-way line shall be landscaped. Such landscaping may include but not be limited to grass, low-lying shrubs, ground cover, etc. and submitted to the designated site reviewer for review and approval. The landscaped areas should be designed to meet all motor vehicle sight distance requirements.
g. When the property abuts a residentially zoned lot, a greenbelt planting strip, not less than ten feet in width, shall be planted prior to opening of the business the side of the property. Such a greenbelt shall be planted at random with evergreens and other trees which eventually will grow to a height not less than ten feet.

2. *Required plans.* Plans shall be submitted as may be required, showing:
   a. Topography of the site, at contour intervals no greater than five feet.
   b. Dimensions of the property and adjacent lots and streets.
   c. Location and proposed use of all buildings with dimensions and ground area thereof.
   d. Parking areas with marked spaces and traffic circulation.
   e. Service areas, off-street loading facilities, service drives and dimensions thereon.
   f. All pedestrian ways.
   g. A title, giving the names of the developers, the date, the scale of the plan and the person preparing the plan.
   h. Proposed landscaping, with property buffers between other uses. The owner(s) of the property shall be responsible for maintaining landscaped planting areas and buffers in perpetuity.
   i. Size and location of signs.
   j. Proposed water system and firefighting facilities, such as hydrants or sprinkler

connections.

k. The location and heights of all fences, walls and hedges.
l. Preliminary plan for water, sewer, storm sewer, and erosion and sedimentation control
m. Profiles of publicly maintained water and sewer lines.
n. Profiles, cross sections and slopes of on-site, off-site ditches carrying water runoff.
o. Erosion and sedimentation control plan.
p. Lighting plan, where applicable.

E. **Residential Cluster Development**

Special Use Districts: RA, R20, R15

A cluster development is a variation or exception to the lot size requirement specified in this Zoning ordinance. If approved, the developer can cluster or group dwelling units on part of the tract and allow the remaining part of the lot to remain in open space. This is strictly a method of transferring density. It does not allow any uses that are not specifically listed in the zoning ordinance.

1. Minimum size - No fewer than twelve (12) structures will comprise a cluster development.

2. Site Plan - Any proposed project shall have a site plan that shows the following information:
    a. The location of the buildings, streets, alleys, walks, parking areas, recreation areas, tree covers, and planting.
    b. Number and show the dimensions of all building sites, streets, and utility easements to be dedicated to the public.
    c. All areas on the site plan other than public streets, easements or private streets, easements or private building sites shall be shown and designed as common areas.

4. Landscape Plan - A landscape plan for all projects shall show all existing and proposed plant materials. The plan shall indicate the size and type of plants to be planted.

5. Maximum Number of Lots - The maximum number of lots that may be created in a cluster development shall be calculated as follows:
    a. From the gross area of land to be developed, subtract twenty (20) percent which represents the approximate area needed for roadways.

    b. Divide the remainder by the minimum lot area requirement for single- family dwellings of the zoning district where the development is located.

The result is the maximum number of lots that may be created in the development. The twenty (20) percent factor shall be constant regardless of the actual amount of land

used for the street system.

6. Minimum Standard for Lots - A cluster development with approved utility systems, including wells and septic tank systems, shall be exempt from the minimum lot sizes specified in the zoning ordinance except as required in herein. However, in no case shall the lot size be less than sixty (60) percent of the minimum zoning lot size. Dimensional requirements such as lot width, front, side, and rear yards may vary up to a minimum of sixty (60) percent of that which is allowed within each of the districts, but in no case shall they be less than 60% the required dimensions

7. Peripheral Lots - The minimum size or the minimum standards of those peripheral lots which will be adjacent to undeveloped property in a single-family zone or developed as single-family houses shall be the same as the minimum size or the minimum standards required in the zoning district where the cluster development is located.

8. Open Space Standards - At the discretion of the developers, a cluster development may utilize a range of lot sizes not in conflict with the minimum specified above in Paragraph 6 above Minimum Standards for Lots, and provided further, that all land saved shall be designated as parks or open space. Such parks or open space may be deeded to the Village of Alamance or held in corporate or common ownership by the owners of lots within the development.

   In consideration of the purposes served by a cluster development, the title to such open space areasas provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any other purposes. Improvements clearly incidental to the purpose of these provisions may be made within the open space provided that the maximum coverage ofsuch improvements shall not exceed twenty-five (25) percent of the open space.

9. Access to Open Space - All lots created within the development shall have direct access to all parks or open spaces as provided by means of public streets, dedicated walkways, fact of physical contiguity, other public lands, or lands in common ownership by all residents.

10. Open Space Provisions - Where the open space is to be deeded to a homeowners' association or other such group ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space and the association of nonprofit organizations. This declaration shall be submitted with preliminary plat approval and shall include but not be limited to the following:

    a. The homeowners' association or the nonprofit organization shall be established

before any lots are sold.

b. Membership shall be mandatory for each lot buyer and any successive buyer.
c. The association shall provide for liability insurance, any taxes, and maintenance of all grounds and facilities.
d. Any sums levied by the association that remain unpaid shall become a lien upon the lot owner's property.
e. If all or any portion of the property held by the association is to be disposed of or if the association is dissolved, all such property shall be deeded in fee simple absolute title to the Village at no cost to the Village.

11. Expiration - In any case where a cluster development has been approved and construction not begun within one hundred eighty (180) days, the approval shall automatically terminate and be of no further effect provided, however, the Board of Adjustment may, upon good and sufficient cause shown, extend this period for one (1) year upon written request of the applicant.

12. Phased Development - A cluster development may be developed in phases provided that:
    a. The entire project receives approval before any phase development begins.
    b. All open space or common areas for the entire project be recorded and/or provided for in the homeowners' association with the development of the first phase. However, cluster developments which do not involve a required homeowners' association and which contain open spaces deeded to the Village of Alamance may be recorded provided that the open space of park land is deeded to and accepted by the Village prior to development of the first phase, or contract to give the Village the land is executed, or any combination.
    c. If a corporation or association is established for the open space, it will providefor total project membership.

13. Review before submission to Board of Adjustment - A site plan committee composed of the Mayor, Zoning Administrator, county building inspector, fire personnel and the Village engineer shall review the submissions for completeness and may make recommendations to the applicant before the project is placed on the Board of Adjustment agenda.

F. **Restaurant, Café excluding drive-through**

Special Use District: MU

1. Plans or drawings shall be presented showing: setback of building from right-of-way, parking area, ingress and egress, and proposed signage consistent with Chapter 7
2. Setback of the building shall be as required for the MU district
3. Scale and building materials shall be consistent with surrounding properties and

reflect the rural mill village location

G. **Retail Sales and Services**
Special Use District: H

1. Plans or drawings shall be presented showing: setback of building from right-of-way, parking area, ingress and egress, and proposed signage consistent with Chapter 7
2. Setback of the building shall be as required for the H district
3. Scale and building materials shall be consistent with surrounding properties and reflect the rural mill village location.

# CHAPTER 6 AREA, YARD, AND HEIGHT REQUIREMENTS

## Section 6-1. Dimensional Requirements

| District | Minimum Lot Area (Sq. Ft.) (1) | Minimum Lot Width at Building Line | Minimum Front Yard Setback (2) | Minimum Side Yard Setback | Minimum Rear Yard Setback | Maximum Height |
|---|---|---|---|---|---|---|
| RA(5) | 25,000 (3) | 125 | 50 | 15 (3) | 25 (3) | 35 |
| R20(5) | 20,000 | 125 | 35 | 15 | 25 | 35 |
| R15(5) | 15,000 | 100 | 35 | 10 | 25 | 35 |
| RM | 20,000 | 100 | 35 | 15 | 25 | |
| H(5) | 8,000 | 80 | 20 | 10 | 17 | 35 |
| CO | 3 acres(6) | N/A | N/A | N/A | N/A | N/A |
| MU | 10,000 (4) | 80 | 15 | 10 | 23 | 35 |
| I | N/A | N/A | 25 | 20 | 20 | 35 |

**Notes to Section 6-1 Dimensional Requirements**

Note 1. Where public sewer is unavailable, larger lots may be required by the Alamance County Health Department. Where no public water supply and/or sewage system exists, no permit required by any ordinance of the Village of Alamance shall be issued unless and until a permit shall have been grantedby the Alamance County Health Department for the installation of a private water supply and/or sewage disposal system.

Note 2. Departures from this may occur when the average of adjoining properties is less than theminimum.

Note 3. This requirement does not apply to a bona fide farm.

Note 4. Applicable only for single-family dwellings in MU; otherwise, no minimum lot size or yardrequirements apply.

Note 5. Accessory structures shall be a minimum of ten (10 feet from the residence. If within the rearyard, it may be no closer than five (5) feet to the rear property line and shall conform to side yard setbacks of the district where located.

Note 6. Recognition of this district as particularly susceptible to flooding necessitates larger lots so as todiscourage intense development.

**Section 6-2. Reduction of Lot Area Prohibited**

No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations.

**Section 6-3 Height Regulation**

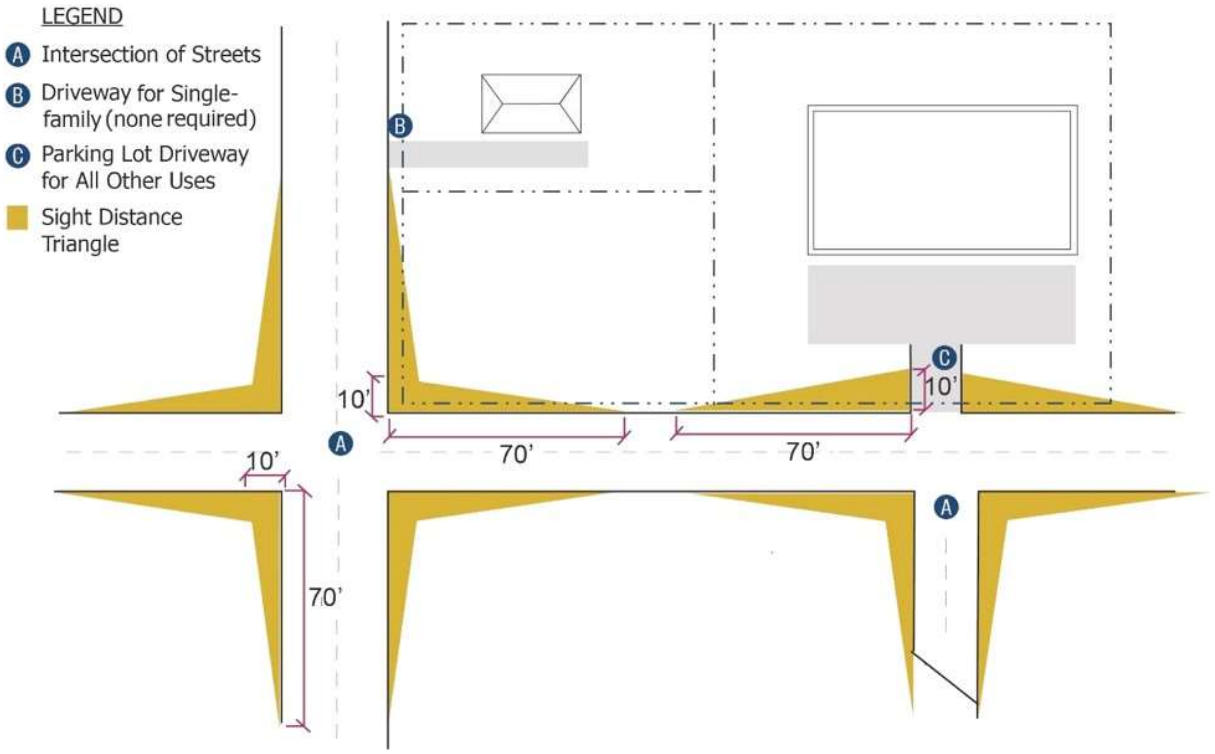
The height limitations contained in Section 6-1 Dimensional Requirements do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, transmission towers, telecommunications towers or other similar structures not intended for human occupancy.

**Section 6-4. Visibility at Intersections**

On a corner lot, no fence, wall, ledge, or other planting or structure that will obstruct vision between a height of two and a half feet and ten feet above the center line grades of the intersecting streets shall be erected, placed, or maintained, within the triangular area formedby the right-of-way lines at such corner lots 10-ft on stop condition side and 70-ft on throughstreet side.

(See Figure 6-4.1).

**Fig. 6-4.1**




**Section 6-5. Structures to Have Access**

Every structure hereafter erected or moved shall be on a lot adjacent to a street that meets the minimum requirements for acceptance and maintenance by the N.C. Department of Transportation. The following are exempt from the requirements of this section:

a. Lots of record prior to the adoption of this ordinance that have sufficient area to meet the minimum requirements of the district in which they are located; and
b. Structures that are to be used in connection with a bona fide farming operation.

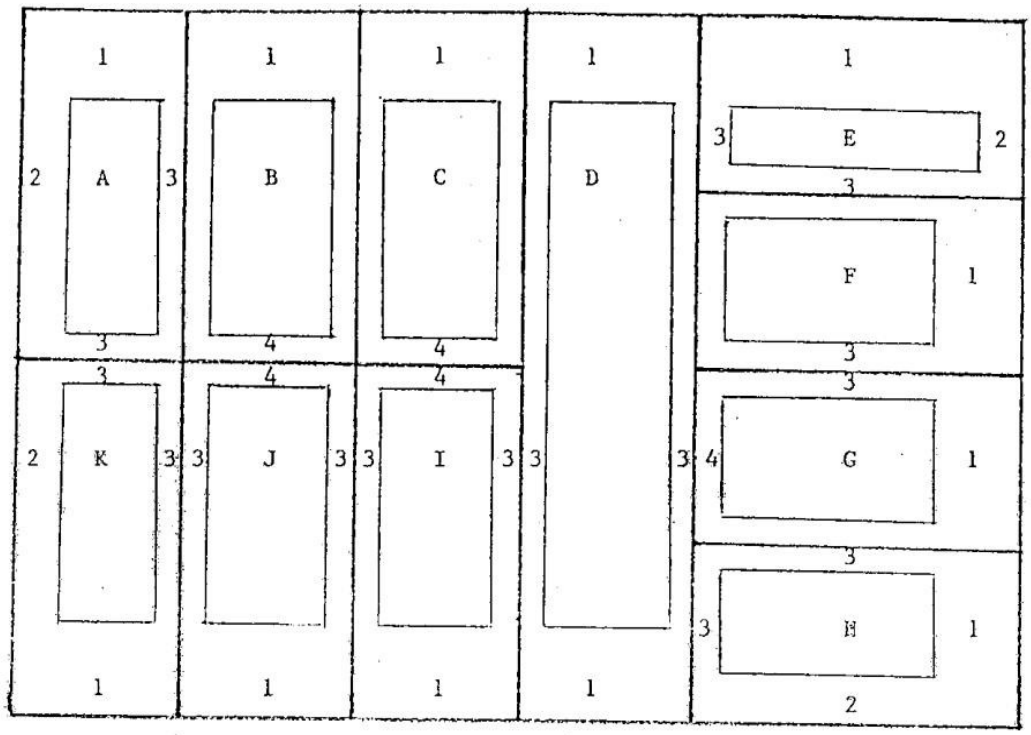
c. All lots subdivided under NCGS 160D-802(c) must either have public or private street access and frontage meeting the requirements set forth herein or provide a permanent means of ingress and egress by easement across a driveway that provides access to a public or private street. The easement shall be reflected on the recorded subdivision plat. In addition, there shall be a written easement setting forth the nature and extent of the easement and maintenance agreement for the easement, driveway or private street. All public or private streets used for subdivisions under 160D-802(c) shall meet the Village of Alamance requirements for public or private streets. Points of ingress and egress shall consist of a 10-ft wide gravel (6" thick) driveway or roadway at least 25 feet in width ditch to ditch. The 25-foot requirement may be waived to accommodate specific site related challenges but in no event shall the minimum width of the driveway or roadway be less than 20 feet in width ditch to ditch.

**Section 6-6. Extensions into Yards.**

A. Eaves, cornices, and gutters of buildings may be permitted to extend 18 inches into any required yard if they do not constitute substantial impediments to vision or to free flow of light and air across the yard.

B. Fences, solid or screening, are permitted in any side yard, provided they do not exceed 7 feet in height. However, no fence in excess of 5 feet in height shall be permitted within 6feet of any residential structure.

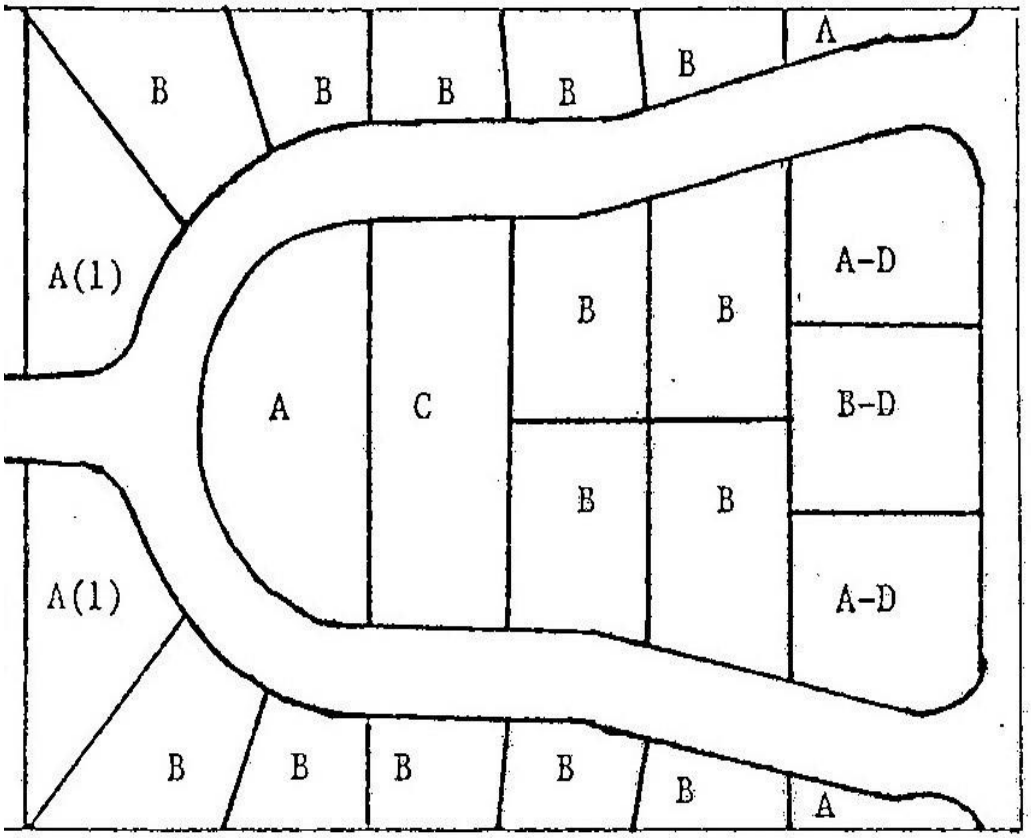
## Section 6-7. Yard and Lot Types




### A. Required yards

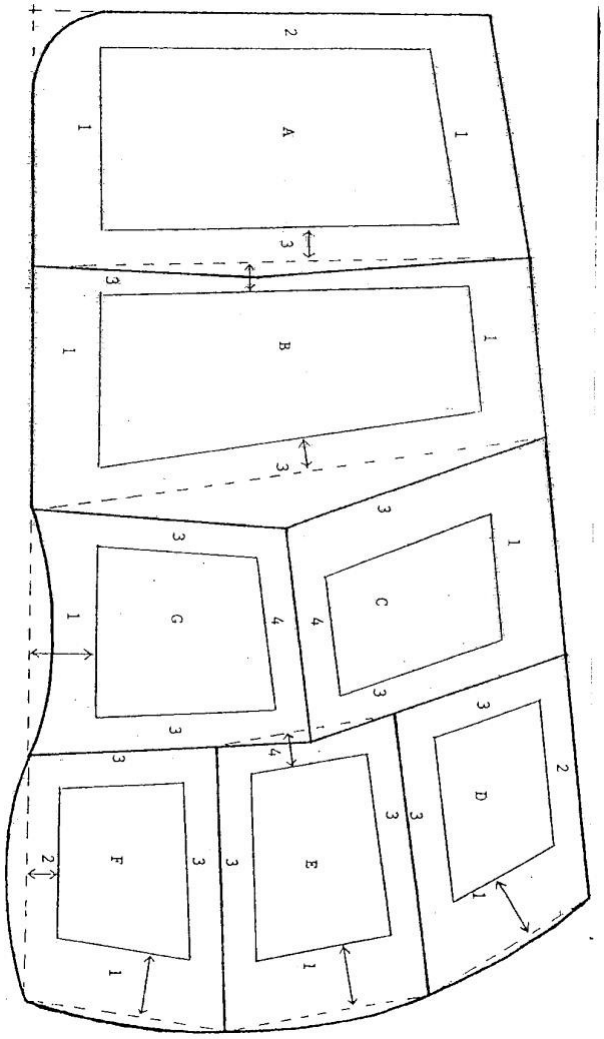
1. Required Front Yards
2. Required Secondary Front Yard on Corner Lots (one-half depth of required frontyard)
3. Required Side Yard
4. Required Rear Yard
5. Blocks lettered A-K show the remaining buildable area
6. Lot Line _____

**B. Lot Types**



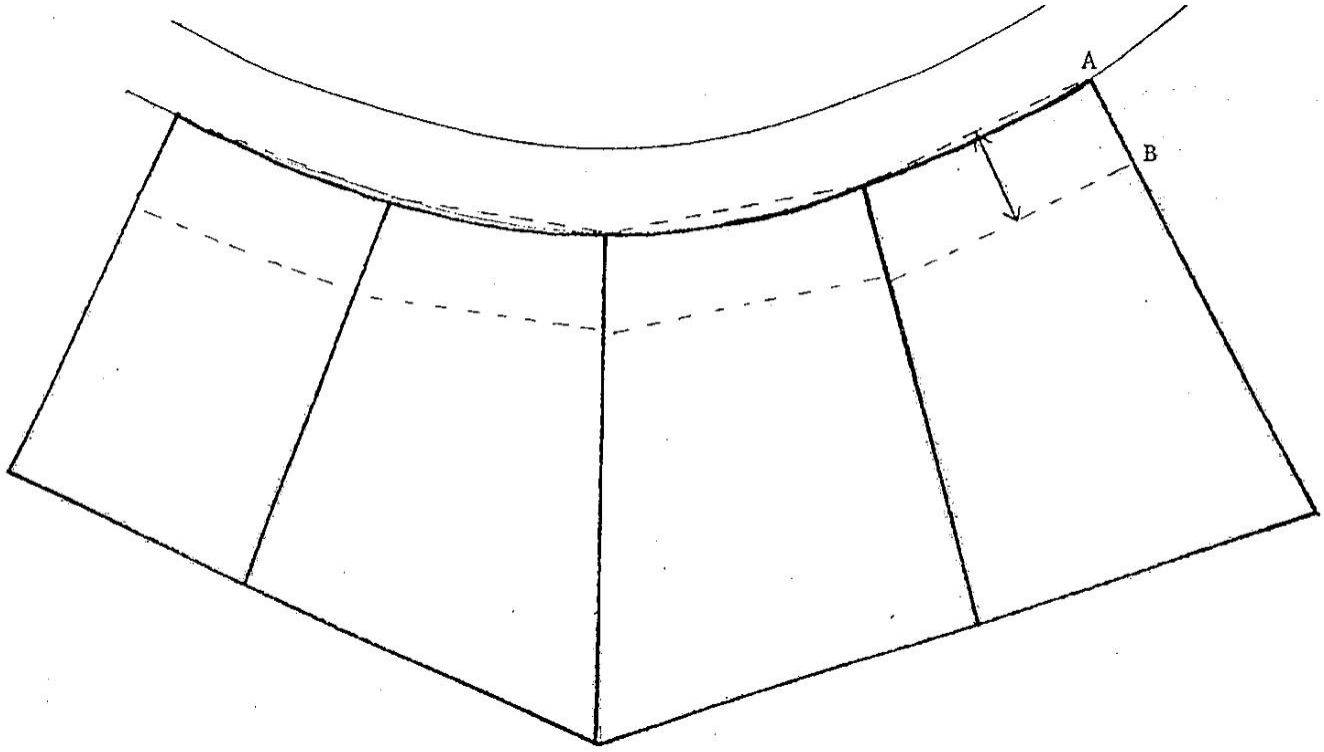

1. Lot Line_____
2. A, A(1) = Corner Lots and A-D
3. B and B-D = Interior Lots
4. C = Through Lots
5. A-D and B-D = Reversed Frontage Lots

**C. Computing Yards with Non-Straight Lot Lines**



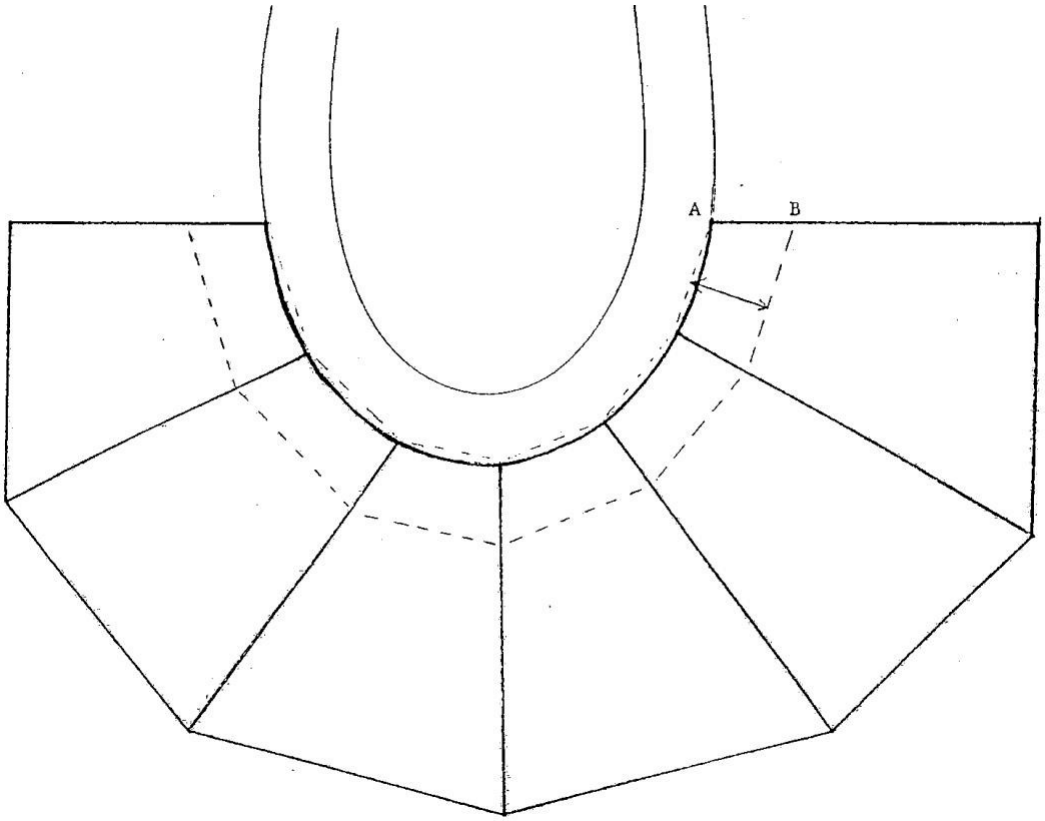

1. Actual Lot Line_____,
2. Lot Line for Computing Required Setback Lines ----------
3. Required Front Yards
4. Required Secondary Front Yards on Corner Lots, one-half depth of required frontyards
5. Required Side Yards
6. Required Rear Yards

**D. Lots on Curves**




1. Actual Lot Line ___
2. Dashed Line “A”, Lot Line to establish setback line
3. Dashed Line “B”, Setback Line (35 ft to right-of-way line)
4. Lots must be no less than the minimum required lot width along Line “B”
1. Lots must be at least eighty per cent (80%) of the minimum required lot width at the street or road measured on lot “A”.

**D. Lots on Cul-De-Sac**




1. Actual Lot Line_____
2. Dashed Line “A”, Lot Line to establish setback line
3. Dashed Line “B” Setback Line 35 ft to right-of-way line
4. Lots must be no less than the minimum required lot width along Line “B”
5. Lot width must be a minimum of twenty-five (25) feet on the street or road measuredalong Line A.

# CHAPTER 7 SIGNS

### Section 7-1. Intent

This section is intended to regulate and control signs and their placement throughout theVillage of Alamance for the following purposes:

1. To provide a pleasing overall environmental setting and inviting community appearance, which is deemed vital to the continued economic attractiveness of the Village;
2. To create a more productive, enterprising, professional business atmosphere;
3. To allow signs appropriate to the planned character and development of each zoning district;
4. To ensure that permitted signs do not become a hazard or nuisance;
5. To promote traffic safety;
6. To prevent business and advertising signs from conflicting with public safety signs; and
7. To protect and enhance the value of properties.

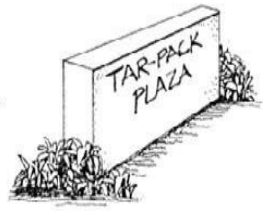
### Section 7-2. Applicability

A. With the exception of those signs authorized in Section 7-16 (Permanent SignsPermitted without a Permit) and Section 7-18 (Temporary Signs Permitted without a Permit) of this Article, it shall be unlawful to construct, enlarge, modify, move or replace any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the Village or its designee.

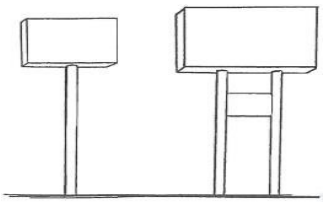
B. Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign so as to render it in violation of this chapter.

### Section 7-3. Types of Signs

**Sign, Free-Standing, Monument**: A permanent, freestandingsign mounted on a base or other supports.



**Sign, Free-Standing, Pole**: A permanent, freestanding signthat is mounted on a pole(s) or other support(s) that is placed on and anchored in the ground or on a base and that is independent from any building or other structure



**Sign, Informational** A sign intended for informational purposes as opposed to commercial or advertising purposes. Typically smaller in size, examples of incidental signs include parking signs, restroom signs and entrance and exit signs.

Incidental Signs

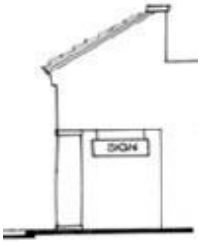
**Sign, Knockout**: A sign where the light source is placed in a channel behind the letters with light forming a "halo" or silhouette of the letters.

**Sign, Marquee**: A sign that is an integral part of a marquee that projects beyond abuilding wall.

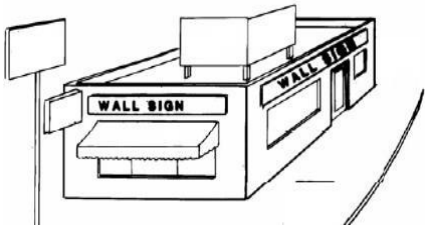
**Sign, Outdoor Advertising**: An off-premises outdoor structure or display, either freestanding or attached to a wall which advertises or attracts attention to a business, commodity service or other activity conducted, sold or offered elsewherethan on the premises on which the structure or display is located.

**Sign, Projecting**: A sign attached to and supported by a building and extending beyond the building which it is attached at an angle of 30 degrees or more.

**Sign, Suspended**: A sign, which is suspended from the underside of ahorizontal plane surface, such as a canopy or marquee, and is supported by such surface.



**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 plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a facade window.




**Section 7-4. General Provisions**

The following regulations shall apply to all signs.

A. Construction Standards
   (1) All signs shall be constructed and installed in accordance with the applicable provisions of the North Carolina State Building Code.
   (2) All temporary signs shall be constructed of materials and printed on by inks and paints capable of withstanding normal weather conditions.
   (3) All signs, except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

B. Electrical Standards
   All illuminated signs shall be installed in accordance with the applicable provisions of the North Carolina State Electrical Code and all illuminated detached signs shall be illuminated by an underground electrical source.

C. Maintenance of Signs
   All signs shall be maintained in good structural and aesthetic condition. Deficiencies suchas chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidenceof a lack of maintenance.

**Section 7-5. Obstructions Prohibited**

No sign shall be placed so as to obstruct the clear sight triangle at a street intersection nor shall any sign obstruct the view of motorists entering or leaving an off-street parking area.

**Section 7-6. Relation to Other Building Elements**

A. Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.

B. Sign material, style and color shall complement the building façade in terms ofdesign, scale,

color, and materials.

C. Individual shop signs in a single storefront shall relate to each other in terms ofdesign, size, color, placement on the building, and lettering style.

D. Signs placed on the inside of the window areas shall conceal no more than 25% of the area of the window on which the signs are located.

**Section 7-7. Sign Lighting**

A. Permitted Lighting - Signs shall be lighted with indirect light sources (e.g. backlighting); knockout signs are encouraged. Ground floodlights may also be used if the light is directed only on the sign and not onto adjacent properties or roadways and the light fixtures are fully shielded from view through the use of landscaping.

B. Prohibited Lighting
   1. Neon, argon and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, such signs may be mounted on the inside of store windows.
   2. Blinking or flashing incandescent bulbs, spotlights, floodlights or similar lights of a red, yellow, blue or any other color that is in current general use by emergency or law enforcement vehicles are prohibited for signs oriented to approaching vehicular traffic and applies to all signs either permanent or portable. Exempt are neon or other tubular lights.

**Section 7-8. Electronic Message Boards**

A. Definition – An electronic message board is a sign, or portion of a sign, that displays an electronic text image. Such signs include any sign, or portion of a sign, that uses changing lights to form a sign message or uses electronic means to change the sign message.

B. Requirements; Where Permitted - Electronic Message Boards are permitted under the following conditions:
   1. Permitted for churches, schools, community and civic centers
   2. Permitted only as a free-standing monument sign
   3. The minimum hold time for a message is fifteen seconds (15 seconds)
   4. No commercial messages or advertising may be displayed; only public announcements, public information or events may be displayed.
   5. No animation shall be allowed, and a sign shall in no way flash, blink, rotate or use scintillating lights or lights of varying intensities that may distract drivers.
   6. Signs in residential districts or within one hundred feet of a residence must be turned off by 11:00 PM and may be turned on by 6:00 AM.
   7. Such signs require a special permit granted by Board of Adjustment.

**Section 7-9. Sign Height Computation**

Sign height shall be computed as the lower of:

1. existing grade prior to construction, or
2. the newly established grade after construction, exclusive of filling, berming, mounding , or excavating solely for the purpose of locating the sign. The calculation of height of a sign placed on a berm or mound shall include the height of the berm or mound

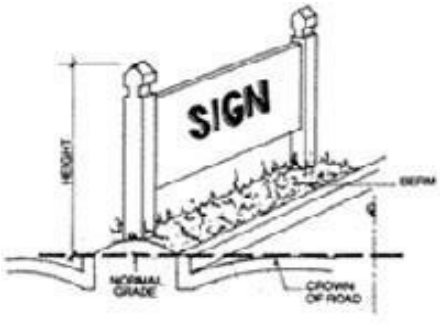
**Section 7-10. Sign Area Computation**

The area of a sign face (which is also the sign area of a wall sign or other sign with only one emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

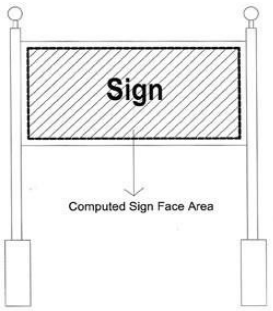
**Section 7-11. Sign Area Computation for Multi-faced Signs**

The sign area for a sign with multiple faces shall be computed by adding together the area of all sign faces visible from any one (1) point.

When a sign is composed of two (2) or more sign faces, only one (1) of which can be viewed from any one (1) point, and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one (1) of the faces.




Sign Height Computation




Area Computation of Individual Signs

**Section 7-12. Forfeiture of Illegal Signs Placed on or Over Public Property**

Any sign installed or placed on or over public property, except in conformance with the requirements of this section, shall be forfeited to the public and be subject to confiscation anddisposal. In addition to other remedies provided by this section and the Village Code of Ordinances, the Village shall have the right to recover from the sign

owner and/or installer the full costs of removal and disposal of such sign.

**Section 7-13 Sign Placement**

The following provisions shall apply to the placement of all signs in all districts.

A. **In General**
   1. Signs must be located entirely on private property, unless otherwise permittedby this section.
   2. No sign may be located so that it blocks the sight triangle at any drivewayor public street intersection.

B. **Wall Signs**
   Wall mounted signs shall not extend above the eave or parapet of any building.

C. **Freestanding Signs**
   1. All parts of freestanding signs must be set back a minimum of five (5) feet from the property line.
   2. No freestanding sign shall be located closer than fifteen (15) feet from another structure on the same zoning lot.
   3. No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way, unless expressly permitted by this article.

**Section 7-14. Temporary Signs**

A. Temporary signs shall be located on private property unless expressly permitted by this section to be posted on public property.

B. All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.

### Section 7-15. Permitted Signs

Signs shall be permitted and prohibited as follows:

| Type of Sign | Zoning District | Maximum Number | Maximum Area | Maximum Height | Minimum Height |
|---|---|---|---|---|---|
| **Free-Standing (**Developments with Multi-Use and/or Multiple Structures | MU, I | 1 per street frontage | MU 20 sq. ft.<br><br>1 80 sq, ft, | MU 8 ft.<br><br>I 10 ft | N/A |
| **Free-Standing (Monument)** | MU, I<br><br>RA, R20, R15, RM for churches, cemeteries, museums, assisted living & nursing homes, public parks & playgrounds, public safety facilities, schools | 1 per street frontage | MU, RA, R20, R15 20 sq ft.<br><br>I 100 sq ft. | 6 feet | N/A |
| **Free-Standing (Pole or Pylon)** | MU, I | 1 per street frontage | 80 $ft^2$ | 20 feet | N/A |
| **Marquee** | MU and I | 1 per entrance | 30 sq. ft. | N/A | 8 feet above ground or sidewalk |
| **Projecting** | MU, H | 1 per street frontage or 1 per use incase of multi-use | 8 sq ft | Signs cannot extend above heightof building wall | 8 feet above ground or sidewalk |
| **Subdivision Identification (Ground mounted)** | RA, R20, R15, RM | 2, one for each intersection with a publicor private road | 32 sq. ft. | 6 feet | N/A |
| **Suspended** | MU, H | 1 per street frontage or 1 per use incase of multi-use | 8 $ft^2$ | Signs cannot extend above heightof building wall | 8 feet above ground or sidewalk |

| Type of Sign | Zoning District | Maximum Number | Maximum Area | Maximum Height | Minimum Height |
|---|---|---|---|---|---|
| **Wall** | MU, I | N/A | 5% of the area of the wall area on which they are located | Signs cannot extend above heightof building wall | N/A |

**Section 7-16. Permanent Signs Allowed without a Permit**

Notwithstanding Section 7-2 and in addition thereto, the following permanent signs shall be permitted without a zoning permit.

1. Historical markers, regulatory signs, public interest signs, and warning signs erected and maintained by the Village or state or an agent of such.
2. On-premises directional signs not exceeding four (4) feet in height nor four (4)square feet in area.
3. Identification signs not exceeding two (2) square feet in area nor two (2) feet in height.
4. Informational signs.
5. Flags on permanent poles.
6. Any sign not legible or easily noticeable from public property or a public right-of-way and obviously not intended to attract the attention of the public.
7. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
8. Traffic control signs on private property, the face of which meets Department of Transportation standards and which contain no commercial message of any kind.
9. Electronic changeable reader boards as part of a free-standing sign that complies with the overall area calculations, and that complies with the following:
    a. Minimum time in between message changes shall be ten (10) seconds.
    b. No animation shall be allowed
    c. The electronic changeable reader board shall not exceed 20%of the total area of the sign face.
    d. The sign shall in no way flash, blink, rotate, or use lights of varying intensities that may distract driver.
    e. The light emitted from such signs shall not exceed 5,000 nits during the day and 500 nits during nighttime hours.

**Section 7-17. Signs Requiring a Permit**

Any sign not expressly listed as permitted without a permit shall require the issuanceof a valid zoning permit prior to installation.

**Section 7-18. Temporary Signs Permitted Without a Permit**

The following temporary signs are permitted without a zoning permit in all zoning districts but shall be in conformance with all other requirements of this ordinance.

1. Campaign or election signs shall be permitted provided that:
    a. Individual signs shall not exceed sixteen (16) square feet in area or six (6) feet in height.
    b. All signs shall be removed within one (1) week after the election for which they were made.
    c. No signs shall be permitted in the public right-of-way.

2. Real estate signs, excluding temporary development signs provided that:
    a. Signs advertising all residential lots, buildings, units, or spaces for sale or for lease shall not exceed six (6) square feet in area or four (4) feet in height.
    b. Signs advertising all non-residential lots, buildings, units, or spaces for sale or for lease shall not exceed a sign face area of thirty-two 32 square feet or exceed a height of six (6) feet.
    c. Only one (1) sign per street front of the advertised property shall be erected.
    d. Signs shall not be illuminated.
    e. Signs shall be removed within seven (7) days after the sale is closed or rent or lease transaction finalized.

3. Construction signs are permitted provided that:
    a. Signs located on residential lots, excluding multi-family sites, shall not exceed six (6) square feet in area. The maximum height of such signs shall be six (6) feet.
    b. Signs for all multi-family development sites and nonresidential uses shall not exceed a sign face area of thirty-two (32) square feet or a height of six (6) feet.
    c. Signs are confined to the site of construction
    d. Only one (1) sign per street front of the property under construction shall be erected.
    e. Signs shall not be illuminated.
    f. Signs shall be removed within seven (7) days after the completion of the project.

4. Temporary farm products signs are permitted provided that:
    a. Signs are located on the premises where the products are sold.
    b. Signs advertise products produced on-site only.
    c. Signs shall not exceed 24 square feet in area or five (5) feet in height.
    d. Only one (1) sign shall be erected.
    e. Signs shall be removed within seven (7) days of the termination of sale activities.
    f. Temporary special event signs or banners for religious, charitable, civic,

fraternal, or similar organizations, are permitted provided that:

g. Signs shall not exceed 32 square feet in area or five (5) feet in height.
h. Signs shall be erected no sooner than 14 days before and removed seven (7) days after the event.

5. Holiday lights and decorations are permitted.

6. Any sign not legible or easily noticeable from public property or a public right- of-way and obviously not intended to attract the attention of the public.

7. Any public notice or warning required by a valid and applicable federal, state, orlocal law, regulation, or ordinance.

8. Yard Sale Signs: One (1) on-premise and four (4) off-premise signs per yard sale provided that no sign exceed four (4) square feet and are removed within 24 hours after the sale. Signs shall not be placed on power poles and/or street signs.

**Section 7-19. Temporary Signs Requiring a Permit**.

A. Temporary signs permitted upon issuance of a valid zoning permit shall be limited asfollows:
   1. Temporary banners in commercial districts, provided that only one (1) banner perestablishment shall be allowed at a time.
      (a) All banners must be attached in total to a building wall or permanent canopyextending from a building.
      (b) No paper banners shall be allowed.
      (c) Banners shall be erected for a period not to exceed two (2) weeks.
      (d) No more than six (6) such signs per establishment shall be erected within acalendar year.
      (e) No banner shall extend above the second occupiable floor level of a building.

   2. Temporary off-premises signs or banners for special community events open to thegeneral public and sponsored by non-commercial civic, charitable, community, or similar organizations, provided that:
      (a) Temporary signs shall be located outside of the public right-of-way or at least11 feet from the edge of any public street if the right-of-way cannot be determined.
      (b) Every temporary off-premises sign or banner shall be separated by a distance of 400 feet from any other such temporary off-premises sign on the same side of a street, and by a distance of 200 feet from any other sign on the opposite side of a street.

B. Nothing in this provision shall be construed to authorize the posting of such signs or

banners upon trees, utility poles, traffic control signs, lights or devices in any place or manner prohibited by the provisions herein, nor on private property without written consent of the owner.

C. Any temporary sign not expressly permitted without a permit.

**Section 7-20. Prohibited Signs**

Notwithstanding Section 7.2 and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:

1. Signs extending into the public right-of-way other than those expressly permitted by this article or otherwise approved by the Board of Commissioners, if placedalong public streets.
2. Flashing, fluttering, swinging, wind-activated, rotating, animated signs and other digital or electronic message boards, excluding flashing time and/or temperature signs that are not otherwise permitted in Article XII. Provided, however, traffic signals, railroad crossing signals and other official warning or regulatory signs and electronically controlled message centers or reader boards where different copy changes, involving alphabetical or numerical characters only, present messages of a public service or commercial nature shall not be considered flashing signs, as long as such signs comply with the provisions of this Ordinance.
3. Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street,sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal.
4. Illuminated or highly reflective signs which hamper the vision of motorists or cyclists.
5. Any sign that resembles traffic signals, traffic signs, or emergency vehicle lights and any other sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs.
6. Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs.
7. Any sign that interferes with free passage from or obstructs any fire escape, downspout,window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air except for permitted window signs.
8. Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other structure or surface located on, over, or across any public street right-of-way or property unless expressly authorized by this article or the Board of Commissioners.
9. Off-premises signs advertising adult establishments.
10. Off-premises signs on parcels of land that are zoned residential, used primarily for residential purposes, or which do not include an active permitted use as established bythis article.
11. Inflatable devices or balloons.
12. High intensity searchlights.

13. Any object displayed in a manner which is intended to attract attention to a site, product, or event.
14. Any sign not expressly permitted by this article.

**Section 7-21. Enforcement of Regulations**

Any sign, structure, or other form of advertising defined as a sign herein that is erected or placed anywhere in the Village of Alamance after adoption of this ordinance that is not in compliance with the provisions of this section shall be subject to the enforcement provisions outlined in Chapter 3 Administration and Enforcement of this Ordinance.

## CHAPTER 8 LANDSCAPING AND BUFFER YARDS

### Section 8-1. Purpose of Buffering/Landscaping Requirements

The purpose of this Chapter is to establish minimum standards for landscaping and buffering to promote public safety, privacy, and well-being and to protect an abutting property from less characteristics of the property for which buffering is required due to a dissimilar district, use, and/or primary transportation route. It is also intended to protect and preserve the appearance, character, and value of property and surrounding neighborhoods, provide for temperature modification and shading, and to mitigate adverse visual effects, overhead lighting, wind and dust, and increased activity associated with urban development.

### Section 8-2. Definitions

*Canopy (Overstory) Tree*. A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.

*Understory Tree*. Trees that grow beneath the canopy (overstory). A species of tree which normally grows to a mature height of 15 to 35 feet.

*Shrub*. A low, usually several-stemmed woody plant. A shrub must be a minimum of 18 inches at planting and reach a minimum height of 36 inches within 3 years of planting.

### Section 8-3. Roadside Landscaping Requirements, Parking Lots with More Than 10 Spaces

A. *Roadside Screening Along Public Right-of-Way*: All parking lots containing 10 or more parking spaces shall include a minimum 5 foot wide maintained natural or planted buffer yard to screen the parking lot from all adjoining public road rights-of-way.

B. *Composition of Roadside Buffer*

1. *Trees.* The required roadside buffer yard shall contain at least 1 canopy tree for each 50 linear feet of road frontage and each tree shall be a minimum of 8 feet inheight and 2 inches in caliper when initially planted. Each tree shall be a species which can be expected to attain a minimum height of 40 feet and have a crown width of 30 feet or greater at maturity.

2. *Shrubs.* The required buffer yard shall also contain shrubs planted at a rate of 15 per 100 linear feet of road frontage.

3. *Other Materials.* All portions of the roadside buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, ground cover, or natural mulch of a minimum depth of 3 inches.

**Section 8-4. Landscaping in Parking Areas for 20 or More Spaces**

A. *Required Planting Area*: Each off-street parking area designed for 20 or more spaces, which has been issued a zoning permit after the effective date of this Ordinance and each area to which spaces are added totaling 20 or more spaces after the effective date of this Ordinance shall have provided and maintained 1 planting area for every 20 spaces constructed.

B. *Truck Maneuvering Areas Exempt*: Areas designed and dedicated for truck maneuvering are exempt from the requirement.

C. *Planting Area Composition and Location*: Each planting area shall have an unobstructed width dimension of not less than 7½ feet and shall not be less than 110 square feet in area. Each planting area shall be protected by curbing, bollards, or parking barriers and contain at least 1 (one) canopy tree.

Planting areas shall be located within the parking area and islands, or around the perimeter of the parking areas within 16 feet of the pavement or curb. At least 50% of the planting areas shall be islands within parking areas.

**Section 8-5. Buffering/Screening of Adjoining Incompatible Land Uses**

A. *Attached Housing (Multi-Family or Single-Family Attached) Abutting Single FamilyResidential*
When 2 or more multi-family or single-family attached housing buildings or 5 or more multi-family residential or single-family attached dwelling units are proposed for property directly abutting a single-family residential use or property zoned single-family residential, the multi-family use shall provide the following screening:

1. A minimum 15 foot perpetually maintained natural or planted buffer yard provided along all property lines directly abutting a single-family use or zoned lot.
2. The buffer yard shall contain 3 canopy trees and 5 understory trees per 100 linear feet of buffer yard. Canopy trees shall be a minimum of 8 feet high and 2 inches in caliper when planted. Understory trees shall be a minimum of 4 feet high and 1 inch in caliper when planted.
3. The buffer yard shall also contain 15 shrubs per 100 linear feet of buffer yard.
4. All portions of the buffer yard not planted with trees or shrubs or covered by a wallor other barrier shall be planted with grass, groundcover, or natural mulch 3 inchesdeep, minimum.

B. *Commercial/Office Uses Abutting Residential*

When a commercial/office use is proposed for a property adjoining a residential use or residentially zoned lot, the commercial/office use shall provide the following screening:

1. A minimum 20 foot maintained natural or planted buffer yard shall be providedalong

all property lines directly abutting a residentially used or zoned lot.

2. The buffer yard shall contain 7 understory evergreen trees per 100 linear feet of property line. Understory trees shall be a minimum of 6 feet high and 1 inch in caliper when planted.
3. The buffer yard shall also contain 25 shrubs per 100 linear feet of buffer yard.
4. All portions of the buffer yard not planted with trees or shrubs or covered by a wallor other barrier shall be planted with grass, groundcover, or natural mulch 3 inchesdeep, minimum.

C. *Industrial Uses Abutting Residential*

When an industrial use is proposed for property that adjoins a residential use or a residentially zoned lot, the industrial use shall provide screening to meet the following standards:

1. For property zoned Industrial, a minimum 30 foot maintained natural or planted buffer yard shall be provided along all property lines directly abutting a residentially used or zoned lot.
2. The buffer yard shall contain 10 understory evergreen trees per 100 linear feet of property line. Understory trees shall be a minimum of 6 feet high and 1.5 inch in caliper whenplanted. The buffer yard shall also contain 33 shrubs per 100 linear feet of buffer yard.
3. All portions of the buffer yard not planted with trees or shrubs or covered by a wall or other barrier shall be planted with grass, groundcover, or natural mulch a minimum of 3 inches deep.

(See summary chart of buffer requirements on next page)

D. Summary Chart of Buffer Requirements to be Provided by Developer

| **Abutting Uses** | | | **Buffer Yard Composition & Location** | | | |
|---|---|---|---|---|---|---|
| Proposed Development | Existing use or Zone | | Buffer Width, Location | Trees | Shrubs | Other Materials |
| Attached Residential (Multi-Family or Attached Single Family) | Single Family Residential | | Min. 15 foot natural or planted buffer planted along property lines abutting the single-family use or zoned lot. | 3 canopy trees, 5 understory trees per 100 linear ft. buffer yard.<br><br>Canopy trees = min. 8 ft high, 2 in. trunk caliper when planted<br><br>Understory trees = min. 4 ft high, 1 in. trunk caliper when planted. | Also to include 15 shrubs per 100 linear ft. buffer yard | Areas not planted with trees or shrubs or covered by a wall or other barrier, planted with grass, groundcover, or natural mulch at min. depth 3 in. |
| Commercial or Office | Residential | | Min. 20 ft. natural or plans ted buffer. Planted along property lines abutting a residentially used or zoned lot. | 7 understory evergreen trees per 100 linear ft. of property line<br><br>Understory trees = min. 6 ft. high and 1.5 in trunk caliper when planted. | Also to include 25 shrubs per 100 linear ft. of buffer yard. | Areas not planted with trees or shrubs or covered by a wall or other barrier, planted with grass, groundcover, or natural mulch at min. depth 3 in. |
| Industrial | Residential | | For I zone – Minimum 30 ft. natural or planted buffer; planted along property lines abutting a residentially used/zoned lot. | 10 understory evergreen trees per 100 linear feet of property line.<br><br>Understory trees = 6 ft. high, 1.5 inches trunk caliper when planted.<br>- | Also to contain 33 shrubs per 100 linear feet of buffer yard. | Areas not planted with trees or shrubs or covered by a wall or other barrier, planted with grass, groundcover, or natural mulch at min. depth 3 in. |

**Section 8-6. Alternative Screening Methods**

Under certain circumstances the application of the standards delineated in this Chapter may be either inappropriate or ineffective in achieving the purposes of this Ordinance. When screening is required by this Chapter or by other provisions of this Ordinance and the site design, topography, unique relationships to other properties, lot configuration, spatial separation, natural vegetation, or other special considerations exist relative to the proposed development, the developer may submit a specific plan for screening to the Zoning Enforcement Officer This plan must demonstrate how the purposes and standards of this Ordinance will be met by measures other than those listed in this Section. If approved by the Zoning Enforcement Officer, the alternative screening plan may be utilized to meet the requirements of this Ordinance.

A combination of natural vegetation, fences, walls, and berms may be used to achieve the screening requirements of this Section provided that the following standards are met:

1. Walls (a minimum of 8 feet in height and constructed of masonry, stone, or pressure treated lumber) or an opaque fence (a minimum of 6 feet in height) may be used to reduce the widths of the buffer yards required in this Section. A chain link or similar type fence with screening is unacceptable.
2. Understory trees may be substituted for canopy trees if, in the opinion of the Zoning Enforcement Officer upon conferring with the electrical utility provider, a conflict exists with overhead utility lines.
3. Any berm used for screening purposes shall have a minimum height of 3 feet, a minimum crown width of 3 feet, and a side slope no greater than 3:1. The berm shall have the required amount of understory trees and shrubs as defined in this Chapter.

**Section 8-7. Protection of Existing Trees in Required Buffer Strips**

The preservation of existing trees that are proven to be healthy and appropriate for screening is mandatory in required buffer strips and is to be used as credit toward a portion of the buffer required by this Chapter.

**Section 8-8. Maintenance**

In order for any landscape screening to fulfill the purpose for which it was established, it mustbe properly maintained. The owner of the property and any tenant on the property where screening is required will be jointly and severally responsible for the maintenance of all required screening materials. Maintenance includes actions necessary to keep screening materials healthy, neat, and orderly in appearance and free of litter and debris. Any live screening materials such as shrubs and trees which may die must be replaced in compliance with the minimum standards of this Ordinance. All screening and landscaping areas must be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the screening.

**Section 8-9. Obstructions Prohibited**

Landscaping and screening materials should not obstruct the view of motorists using any road, driveway, or parking aisle.

**Section 8-10. Guarantee in Lieu of Immediate Installation of Landscaping and Screening Materials**

It is recognized that land development occurs continuously, and that vegetation used in landscaping or screening should be planted at certain times of the year to ensure the best chance of survival. In order to ensure compliance with this Ordinance and reduce the potential expense of replacing landscaping or screening materials which were installed in an untimely or improper fashion, the developer may provide an adequately secured performance bond or other security to ensure that all of the requirements of this Section will be fulfilled.

**Section 8-11. Screening of Dumpsters**

All solid waste storage facilities are to be enclosed and screened from the view of adjoining residences, residentially zoned lots, or road rights-of-way. Such screening may consist of natural vegetation, fences, walls, or berms and shall be installed, located, or constructed so as to create an effective screen and keep the dumpster from being viewed off-site. The screening shall be at least 2 feet taller than the highest point of the dumpster. All dumpsters shall be placed on a concrete pad that is large enough to provide adequate support and allows for drainage. The enclosure must have a gate to allow for access and security. The gates must be closed at all times except for when on-site users are discarding debris or when the designated trash pickup company is retrieving from the receptacle.

**Section 8-12. Screening of HVAC**

HVAC units, when ground mounted, must be located at the rear of the building or along theside where it cannot be seen from the front of the building. When HVAC is roof mounted, sufficient screening is required to screen the unit(s) from the public view.

# CHAPTER 9 OFF-STREET PARKING AND LOADING

## Section 9-1. Off-Street Parking Requirements

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this ordinance. Such parking space may be provided in a parking garage or properly graded open space. No off-street parking or loading shall be permitted in a required yard or open space, except in the case of a single or two (2) family dwelling.

The following Table displays standards for off-street parking:

TABLE 9.1 DIMENSIONAL STANDARDS FOR OFF-STREET PARKING SPACES

| Type of Parking Space | Minimum Width (ft.) | Minimum Depth (ft) (2) (3) (4) (5) | Minimum Aisle Width (ft.) | |
|---|---|---|---|---|
| | | | One-way | Two-way |
| Parallel (0°) | 9 | 23[1] | 12 | 24 |
| Angle (45°) | 9 | 18 | 14 | 26 |
| Angle (60°) | 9 | 18 | 18 | 26 |
| Perpendicular (90°) | 9 | 18 | 20 | 26 |

NOTES:
(1) Curb length for end space of 3 or more parallel spaces may be 20 ft. in length with no obstruction at end.
(2) Parking spaces adjacent to landscaping / sidewalks (>6 ft. in width) to allow for vehicle overhang, may reduce depth of space by 1 ft. per side where overhang is provided.
(3) Where width of spaces is 9.5 ft. of 10 ft. in width, aisle width may be reduced 0.5 ft. or 1.0 ft. respectively.
(4) Minimum width of painted lines shall be 4 inches.
(5) Depth of space is measured from face of curb. Concrete gutter, if provided, is not required to be painted.

## Section 9-2. Certificate of Minimum Parking Requirements

Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. Required off-street parking area for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any

automobile may be parked and unparked without moving another. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this ordinance are met.

**Section 9-3. Combination of Required Parking Space**

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one half (1/2) of the parking spaces required for churches, theater, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

**Section 9-4. Remote Parking Space**

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of the main entrance to such principal use.

**Sec. 9-5. - Handicapped parking.**

Certain spaces may be designated for parking a vehicle for handicapped or visually impaired persons. Vehicles parking in such spaces shall display a distinguishing license plate or placard as provided in G.S. 20-37. Violation of these requirements shall be as authorized by G.S. 20-37.6 and provided for in the Village Code.

**Section 9-6. Separation from Walkways, Sidewalks, and Streets**

All parking, loading and service areas shall be separated from walkways, sidewalks, and streets by curbing or other suitable protective device to prevent vehicles from intruding into these areas.

**Section 9-7. Minimum Parking Requirements**

The following off-street parking space shall be required and maintained as applicable:

| Uses | Required Off-Street Parking |
|---|---|
| Any residential use consisting of one or more dwelling units | Two (2) parking spaces on the same lot for each dwelling unit |
| Auditorium or Theater | One (1) space for each four (4) seats in the largest assembly area |

| Uses | Required Off-Street Parking |
|---|---|
| Automobile Repair Garage | One (1) parking space for each two hundred (200) square feet of floor space, plus one (1) space for each employee |
| Bowling Alley | Three (3) spaces per alley, plus requirements for any other associated use such as a restaurant, etc. |
| Car Wash | One (1) space for each two (2) on shift of greatest employment, plus one (1) space for the manager and spaces equal to three (3) times the capacity of the car wash |
| Churches | One (1) parking space for each four (4) seats in the sanctuary |
| Child Care Center, Kindergarten | One (1) space for each employee and four (4) spaces for drive-in off street drop-off and pick-up |
| Financial Institutions | One (1) parking space for each three hundred (300) square feet of floor space plus one (1) space for each employee |
| Funeral Homes | One (1) parking space for each five (5)seats in the chapel or parlor, plus one (1) for each funeral vehicle |
| General or Professional Offices | One (1) parking space for each three hundred (300) square feet of gross floor space |
| Golf Course, Par 3 or Miniature | Three (3) spaces for each hole plus requirements for any other use associated with the golf course, restaurant, etc. |
| Home Occupations | Two (2) parking spaces on the property in addition to the residential parking requirements |

| Uses | Required Off-Street Parking |
|---|---|
| Industrial or Manufacturing Establishment or Warehouse | One and one-half (1 ½) spaces for each two (2) employees on shift of greatest employment, one (1) space for each managerial personnel, one (1) visitor parking space for each ten (10) managerial personnel and one (1) space for each vehicle used directly in conduct of the business |
| Motel | One (1) space for each unit, plus one (1) space for each two (2) employees plus requirements for any other use associated with the establishment. |
| Nursing Home, Assisted Living | One (1) parking space for each four (4) beds intended for patient use, plus one (1) per employee on largest shift |
| Public or Private Clubs | One (1) space for each one hundred (100) square feet or gross floor space |
| Real Estate Offices | One (1) parking space for each three hundred (300) square feet of floor space for each employee |
| Restaurant or Place Dispensing Food, Drink, or Refreshments | One (1) space for each three (3) seats plus one (1) space for each two (2) employees |
| Retail Use Not Otherwise Listed | One (1) parking space for each two hundred (200) feet of gross floor area |
| Schools, Elementary and Middle | One (1) parking space for each classroom and administrative office, plus ten (10) additional parking spaces, plus the requirements for "Auditorium," if any |
| Schools, Senior High | One (1) parking space for each ten (10) students for which the building was designed plus one (1) parking space for each classroom and administrative office plus the requirements for "Auditorium" if any |

| Uses | Required Off-Street Parking |
|---|---|
| Public Utility Buildings and Structures<br>(1) Unattended (such as electric substations, sewer lifts and pumping stations | One (1) parking space |
| (2) Fire Stations, Village Halls, Villagegarages, etc. | One (1) parking space for each vehicle housed at the site plus one (1) parking space for each employee plus a minimum of two (2) parking spaces for visitors. Additional spaces may be required by the Board. |
| Shopping Center | One (1) parking space for each one hundred (100) square feet of floor space |

**Section 9-8. Off-Street Loading Requirements**

In any district in which a building hereafter erected is to be occupied by any manufacturing, processing, assembly, wholesaling, retailing, laundering, dry cleaning or similar activity requiring the receiving or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space plus one (1) additional space for every twenty thousand (20,000) square feet or major fraction thereof of gross floor space in excess of ten thousand (10,000) square feet. Each such loading space shall be at least ten (10) feet in width, sixty (60) feet in length, and shall have a height clearance of at least fourteen (14) feet. A maximum of five (5) spaces will be required unless the proposed use demonstrates a need for more.

# CHAPTER 10 NONCONFORMING SITUATIONS

## Section 10-1. Uses of Land or Structures in General

Except as specifically provided in this chapter, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. A nonconforming situation is the use of land or existence of a structure that, after the effective date of this Ordinance, is prohibited in the district in which it is located.

## Section 10-2. Nonconforming Uses of Open Land

A nonconforming use of open land consists of open lots used for storage yards, car lots, auto wrecking, junkyards, and similar uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where the use is not permitted inthe zoning district where it is located.

Such nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming. Fencing or other screening of the use does not change its status as a nonconforming use of open land.

## Section 10-3. Nonconforming Uses of Structures

A nonconforming use of a structure is a function or purpose, occurring in the particular structure, that is not permitted in the zoning district in which the structure is located.

E. *Enlargement of Structures That Are a Nonconforming Use is Prohibited*: Use of a structure for purpose that has been made nonconforming by adoption of this ordinance or by rezoning may not be enlarged or altered in a way that increases its nonconformity.

F. *Maintenance and Repair*: Normal maintenance and repair of a structure used for a nonconforming purpose is permitted and encouraged, provided it does not extend the nonconformity.

C. *Change to Conforming Use*: Any nonconforming use of a structure may be changed to a conforming use, or, with the approval of the Board of Adjustment, a nonconforming use may be changed to a use more in character with the uses permitted in the district as long as there is no structural enlargement.

D. *Extension of Use Within a Nonconforming Structure*: A nonconforming use of a structure shall not be extended or enlarged except into portions of the structure, which, at the time the use became nonconforming, were already erected, and arranged or designed for such nonconforming use. No structural alterations shall be made in any structure occupied by a

nonconforming use, except those required by law or ordinance or ordered by the BuildingInspector to secure the safety of the structure.

E. *Discontinuance of a Nonconforming Use of Structure*: When any nonconforming use of a structure is discontinued for a continuous period of 180 days, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

F. *Single-Family Residence Exception*: Any structure used for a single-family residence that has been made nonconforming by adoption of this ordinance or by rezoning maybe replaced with a structure of the same or a larger size, as long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback. In particular, a manufactured home may be replaced with a larger manufactured unit. Minor variances in setbacks due to lot size may be presented to the Board of Adjustment for consideration. This policy is adopted in the interest of maintaining an adequate stock of housing in the Village of Alamance.

**Section 10-4. Nonconforming Structures**

A nonconforming structure is a structure that does not meet all of the dimensional requirements of this ordinance for lot coverage, height, yards or other characteristics of the structure or its placement on the lot.

A. *Lawful Structures May be Continued*: Any structure that was lawful as to its dimensionsat the effective date of the adoption, amendment or readoption of this Ordinance but could not be built under its present provisions may be continued as long as it remains.

B. *Enlargement Prohibited*: Nonconforming structures shall not be enlarged or expanded. However, in limited circumstances, the Board of Adjustment, after notice and hearing, may issue a permit for enlargement. The following minimum conditions, in addition to any other reasonable conditions, shall be met in order for the Board to grant an extension of the nonconforming structure:
    1. The enlargement does not increase the space devoted to the nonconforminguse
    2. The enlargement does not increase the dimensional nonconformity of the use(yard, height, setback requirements)
    3. The enlargement does not enclose previously unenclosed land.

C. *Maintenance and Repair*: Normal maintenance and repair of a nonconforming structure is permitted and encouraged provided it does not extend the nonconformity.

D. *Change or Expansion of Uses Within Nonconforming Structures*: If no structural alteration or enlargements are made, the Board of Adjustment, after notice and hearing, may permit an

extension of a use or a change to a use more compatible withthe district. In permitting such extension or change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance. Such extension or change shall not be permitted to take place beyondthe building in which it occurs.

E. *Damage or Destruction*: If a nonconforming building, with the exception of a nonconforming single-family residence as provided in Section 10-3F, is destroyed by any means to an extent of more than fifty (50) percent of its assessed value at time ofdestruction, such building may not be restored for any nonconforming use.

**Section 10-5. Nonconforming Lots**

A. *Vacant Lots*: A nonconforming vacant lot is defined as a lot for which a plat or deed hasbeen recorded in the office of the Alamance County Register of Deeds, which at the time of adoption of this Ordinance failed to comply with the minimum area and/or width requirements of the district in which it is located. Any such nonconforming lot may be used for any of the uses permitted in the district in which it is located providedthat:
    1. Where the lot area is not more than twenty (20%) percent below the minimum specified in this Ordinance, and other dimensional requirements are otherwise complied with, the Zoning Enforcement Officer is authorized to issue a zoning compliance permit.

    2. Where the lot area is more than twenty (20%) percent below the minimum specified in this Ordinance or other dimensional requirements cannot be met,the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions;and

    3. Notwithstanding the foregoing, whenever two (2) or more adjoining vacant lotsof record are in single ownership at any time after the adoption of this Ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be combined to create a single lot or lots which meet the minimum requirements of this Ordinance.

B. *Nonconforming Lots with Structures*: A nonconforming lot with structures is defined asa lot occupied by a building or buildings or structures at the time of the adoption of this Ordinance, that fails to comply with the minimum requirements for area, width, yard and setback for the district in which they are located. These lots may continue to be used.

**Section 10-6. New Uses or Construction**

After the effective date of this Ordinance, all new construction and the moving, altering, and enlarging of existing structures shall conform to the use, area, and bulk regulations for the

district in which it is, or is to be, located.

**Section 10-7. Conforming Uses**

After the effective date of this Ordinance, existing structures or the use of land or structures which conform to the regulations for the district in which they are located may be continued, provided that any structural alteration or change in use shall conform to this Ordinance

## CHAPTER 11 VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

### ARTICLE 1 VESTED RIGHTS

#### Section 11-1. Process to Claim Vested Right

A landowner claiming a statutory or common law vested right may submit information to substantiate that claim of a vested right pursuant to North Carolina General Statute 160D-108 on a form to be provided by the Village of Alamance at the same time as application is made for a zoning map amendment, subdivision plan approval, a conditional zoning, a special use permit, a site plan approval or a planned unit development approval. The Zoning Administrator shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under NCGS 160D-405. 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 bring an original civil action as provided by NCGS 160D-405(c).

#### Section 11-2. Types and Duration of Statutory Vested Rights

Amendments to the Village of Alamance development regulations shall not be applicable or enforceable with regard to development that has been permitted or approved pursuant to NCGS 160D-108 long as one of the types of approvals listed in this subsection remains valid and unexpired. Each type of vested right listed in this subsection is defined by and is subject to the limitations provided in this section. Vested rights established under this section are not mutually exclusive. The establishment of a vested right under this section does not preclude the establishment of one or more other vested rights or vesting by common law principles. Vested rights established by Village of Alamance approvals are as follows:

4. Six months - Building permits. - Pursuant to NCGS 160D-1109, a building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.

B. One year - Other local development approvals. - Pursuant to NCGS 160D-403(c), unless otherwise specified by statute or local ordinance, all other local development approvals expire one year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.

C. Two years - Site-specific vesting plans.
    1. Duration. - A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by Village of Alamance ordinance.

2. Relation to building permits. - A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of NCGS 160D-1109 and NCGS 160D-1113 shall apply, except that the permit shall not expire or be revoked because of the runningof time while a vested right under this subsection exists.

3. Requirements for site-specific vesting plans. - For the purposes of this section, a "site-specific vesting plan" means a plan submitted to the Village of Alamance describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as guided by the Village of Alamance ordinance. What constitutes a site-specific vesting plan shall be defined by the relevant development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. In absence of a Village regulation setting forth what constitutes a site-specific vesting plan, any development approval shall be considered to be a site-specific vesting plan. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. 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 may not constitute a site-specific vesting plan.

4. Process for approval and amendment of site-specific vesting plans. - If a site-specific vesting plan is based on an approval required by Village of Alamance development regulations, a notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two years, that shall not affect the duration of the site-specific vesting plan established under this chapter. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by NCGS 160D-602 shall be held. The Village of Alamance may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. The Village of Alamance shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the local government's decision approving the plan or such other date as determined by the governing board upon approval. An approved site-

specific vesting plan and its conditions may be amended with the approval of the owner and the Village as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by the Zoning Administrator, if such are defined and authorized by local regulation.

C. Seven years - Multiphase developments. - A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

D. Indefinite - Development agreements. - A vested right of reasonable duration may be specified in a development agreement approved under NCGS 160D-1001.

**Section 11-3. Continuing Review**

Following approval or conditional approval of a statutory vested right, the Village may make subsequent reviews and require subsequent approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approval. The Village may revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable development regulations.

**Section 11-4. Exceptions**

The provisions of this section are subject to the following:

A. A vested right, once established precludes any zoning action that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vested right, except when any of the following conditions are present:
    1. The written consent of the affected landowner.

    2. Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.

3. The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in NCGS 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.

4. Findings made, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.

5. The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved site-specific vesting planor phased development plan, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.

B. The establishment of a vested right shall not preclude the application of overlay zoning or other development regulation that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to development regulation by a local government, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise, applicable new regulations shall become effective with respect to property that is subject to a vested right established under this section upon the expiration or termination of the vested rights period provided for in this section.

C. Notwithstanding any provision of this section, the establishment of a vested right under this section shall not preclude, change, or impair the authority of a local government to adopt and enforce development regulation provisions governing nonconforming situations or uses.

**Section 11-5. Miscellaneous Provisions**

A vested right obtained under this section is not a personal right but shall attach to and run with the applicable property. After approval of a vested right all successors to the original landowner shall be entitled to exercise such rights. Nothing in this section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

**Section 11-6. Termination of a Vested Right**

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

A. The written consent of the affected landowner.

B. Findings made, after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threatto the public health, safety, and welfare if the project were to proceed as contemplated in the approved vested right.

C. The extent to which the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the local government, together with interest as is provided in NCGS 160D-106. Compensation shall not include any diminution in the value of the property that is caused by such action.

D. Findings made, after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval by the local government of the vested right.

E. The enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the approved vested right, in which case the local government may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, after notice and an evidentiary hearing.

**ARTICLE 2. DEVELOPMENT AGREEMENTS**

**Section 11-7. Development Agreements**

3) Purpose
The purpose of this Article is to establish standards and procedures for the Village to enter into Development Agreements for long-term, large-scale developments, in recognition ofthe following findings and statements of intent:

1. *Large-Scale Development Projects and Long-Term Commitment of Resources* Large-scale development projects often occur in multiple phases extending over aperiod of years, requiring a long-term commitment of both public and private resources.
2. *Potential Community Impacts* - Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate withintraditional zoning processes.
3. *Careful Integration between Public Capital Facilities Planning, Financing, Schedules*- Because of their scale and duration, such large-scale projects often require careful

integration between public capital facilities planning, financing and construction schedules and the phasing of the private development.

4. *Stable Development Standards* - Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers areunwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
5. *Nontraditional Development Types* - Because of their size and duration, such developments often permit communities anddevelopers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on the surrounding areas.
6. *Negotiating Flexibility* - To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.
7. *Plan Consistency* - In negotiating for such developments, it is the intent of the Village to remain consistent with the adopted plans, policies, and goals of the Village as they relateto land use and capital improvements.

4) Authority

The Village may enter into a Development Agreement with a developer, subject to the procedures and standards of this Article. In entering into such a Development Agreement,the Village 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 authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the Development Agreement.

5) Relationship to Prior Development Approvals

Although an application for a Development Agreement generally is submitted and reviewed before, or in conjunction with, the first development approval required for the proposed development (e.g., a Mixed-Use Development), such an application may be submitted and decided at any stage of the development. If the application is submitted after developmentapprovals have been granted, either the Development Agreement should incorporate the terms and conditions of those prior approvals or any approval of the Development Agreement shall be contingent upon any amendments to those prior approvals necessary toensure conformance between the Development Agreement and applicable development approvals.

6) Initiation

An application for a Development Agreement may be initiated by any person who may submit applications in accordance with the provisions of this Chapter.

7) Procedures

*1. Application Contents*

An application for a Development Agreement shall include a proposed Development

Agreement that shall, at a minimum, include all of the following:

a) A legal description of the property subject to the agreement and thenames of its legal and equitable property owners.
b) The duration of the agreement.
c) A development schedule, including commencement dates and interim completion dates at no greater than five-year intervals.
d) The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.
e) A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, ifneeded, will be constructed, and a schedule to assure public facilities areavailable concurrent with the impacts of the development.
f) If the Development Agreement provides that the Village shall provide certain public facilities, the Development Agreement shall provide that thedelivery date of such public facilities will be tied to successful performanceby the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).
g) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.
h) A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.
i) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Village for the public health, safety, or welfare of its citizens.
j) A description, where appropriate, of any provisions for the preservationand restoration of historic structures.
k) An indemnification and "hold harmless" clause whereby the developer/property owner holds the Village and its agents harmless from liability for damages, injury, or death that may arise from the direct or indirect operations of the owner, developers, contractors, and subcontractors that relate to the project.
l) The proposed Development Agreement may include the following:
    1) A provision that the entire development or any phase of it be commenced or completed within a specified period of time.
    2) Other defined performance standards to be met by the developer.
    3) Other matters not inconsistent with law.
m) The application shall include a master plan that depicts the general configuration andrelationship of the principal elements of the proposed

development, including major uses, general building types, pedestrian and vehicular circulation, open space, public facilities, and phasing.

2) *Review and Report by Administrator*
As part of the staff review of the application, the Administrator or the designee maynegotiate revisions to the proposed Development Agreement consistent with the provisions of Subsection G Development Agreement Standards.

3) *Review and Recommendation by Planning Board*
Following staff review, preparation of a staff report, and provision of public notification in accordance with Subsection g. Development Agreement Standards,the staff shall recommend that:
- the Village enter into the Development Agreement as submitted;
- the Town enter into the Development Agreement application subject tomodifications agreed to by the applicant, in writing; or
- the Village not enter into the Development Agreement.

4) *Review and Action by Governing Board*
Following Planning Board review, the governing body shall conduct a legislative public hearing on the application in accordance with public hearing guidance. Thereafter the Board of Aldermen may vote:
- To enter into the Development Agreement as submitted;
- To enter into the Development Agreement, subject to modifications agreed to by the applicant, in writing;
- Not to enter into the Development Agreement; or
- Remand the application to the Planning Board for further consideration.

F. Recording the Agreement
Within 14 days after entering into a Development Agreement, the Village shall record the agreement with the Alamance County Register of Deeds.

G. Development Agreement Standards
In consideration of the Town's participation in a Development Agreement, a development subject to the agreement must meet the following criteria:
1. *Planned Development* - The information regarding the property subject to the Development Agreement shallcontain details of the property and the planned development in accordance with NCGS 160D Article 10 Development Agreements.
2. *Phasing and Duration of Development* - The development shall demonstrate phasing and participation in the proposed agreement shall be of reasonable terms that shall be specified in the agreement.

3. *Impact on Capital Improvements* - The development shall demonstrate the impact on existing and future provisions of capital improvements by the Village including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.

H. Effect of Development Agreement
   1. *Burdens and Benefits* - The burdens of the Development Agreement are binding upon, and the benefits ofthe agreement shall inure to, all successors in interest to the parties to the agreement.
   2. *Rights and Obligations* - Rights and obligations established by a Development Agreement shall not precludeor supersede rights and obligations established pursuant to other law regarding building permits, site-specific development plans, phased development plans or other provisions of law.
   3. *Building Code* - A Development Agreement shall not exempt the property owner or developer fromcompliance with the State Building Code.
   4. *Subsequently Enacted Laws* - 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 ofthe agreement.
   5. *Application of Subsequently Adopted Laws* - Except for grounds specified in Section 160D-1-(e) of the North Carolina General Statutes, the Village may not apply subsequently adopted ordinances or developmentpolicies to a development that is subject to a Development Agreement.
   6. *Change in State or Federal Law* - If State or Federal law is changed after a Development Agreement has been enteredinto and the change prevents or precludes compliance with one or more provisions of the Development Agreement, the Village, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the Development Agreement.
   7. *Vested Rights* - This Ordinance does not abrogate any rights preserved by NCGS 160D-1-8, or thatmay vest pursuant to common law or otherwise in the absence of a DevelopmentAgreement.

I. Approval of Debt
   If any of the obligations of the Village in the Development Agreement constitute debt, the Village shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Village, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the Village Attorney, Finance Director, and Town Manager.

J. Periodic Review and Breach of Agreement
   1. *Annual Review*

During any period of time in which a development permit is active, the Village shall review the development at least once every 12 months for compliance with the agreement. The developer shall be required to demonstrate good faith compliance with the terms of the Development Agreement. The failure to meet a commencement or completion date specified in the Development Agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.

2. *Material Breach*
   If the Village finds and determines that the developer has committed a material breach of the terms or conditions of the Development Agreement, the Village shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and shall provide the developer a reasonable time in which to cure the material breach.
3. *Failure to Cure Material Breach*
   If the developer fails to cure the material breach within the time given, then the Village unilaterally may terminate or modify the Development Agreement.
4. *Appeal*
   The notice of termination or modification may be appealed to the Board of Adjustment for review and decision in accordance with Section 13-5 Appeals to the Board.

K. Amendments to Development Agreement

1. *Mutual Consent*
   A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
2. *Major Modification*
   Consideration of a proposed major modification of a Development Agreement shall follow the same procedures as required for initial approval of the agreement.
3. *Minor Modification*
   The Planning Director may approve minor modifications of the Development Agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.

L. Assumption of Jurisdiction Over Development Agreements

C. *Village Assumes Planning Jurisdiction*
   If the Village assumes planning jurisdiction over property subject to a Development

Agreement established by another jurisdiction, such development agreement shall be valid for the duration of the agreement, or eight years from the effective date of the Village's assumption of planning jurisdiction over the subject property, whicheveris earlier.

D. *Rights and Obligations*
The parties to the development agreement and the Village 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.

E. *Modification or Suspension*
The Village may modify or suspend the provisions of the Development Agreement if the Village determines that the failure to do so would place the residents of the area subject to the Development Agreement, or the residents of the Village's planning jurisdiction, or both, in a condition dangerous to their health or safety, or both.

# CHAPTER 12 PLANNING BOARD

## Section 12-1. Planning Board

A. The Village of Alamance Planning Board shall consist of nine (9) members, six of whom shall be Village residents and three representatives from the Village's extraterritorial area, as provided by G.S. 160D-202.

B. Oath: All members before entering their duties, qualify by taking an oath of office as required by NCGS 160A-61.

## Section 12-2. Appointment of members

A. Six (6) members shall be appointed by the Board of Aldermen from within the Village limits.

B. The three (3) extraterritorial members shall be appointed by the Alamance County Commissioners, as provided by G.S. 160D-307. All members of the Planning Board shall exercise their jurisdiction and authority concerning all matters presented to the board.

## Section 12-3. Terms of Office

Initial appointments may be staggered by the mayor to ensure all members' terms do not expire in the same year. Terms for all seats shall expire in December of each respective year. As any staggered terms expire, appointments shall be made for terms of 3 years. Members shall hold office until their successors are appointed and qualified. Appointments to fill vacant seats shall be for the remainder of the terms.

## Section 12-4. Duties

The duties of the Planning Board shall include:

A. Initiate plans for the orderly development of the Village and extraterritorial zoning jurisdiction area for recommendation to the Board of Aldermen
B. Initiate studies of the population, economy, land use, traffic and other factorsimpacting the resources, needs and public welfare of the present and future Village.
C. Regulation of the subdivision and platting of land within the town and outside as authorized by law.
D. Make recommendations to the Board of Aldermen on zoning regulations andzoning map boundaries which from time to time may need to be amended, supplemented, changed, modified or repealed within the Village jurisdiction oroutside as authorized by law.
E. Advise the Board of Aldermen on all matters related to the development of the Village particularly with respect to conditions which negatively impact the publicwelfare and to

perform such other duties as may be assigned from time to time by the Board of Aldermen.

**Section 12-5. Meetings, Records and Officers**

All regular meetings of the planning board shall be held at Village Hall and shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member on each question; if absent or failing to vote, an indication of such fact; all of which shall be publicrecord. The board shall elect a chair and vice chair and adopt its regular meeting schedule for the coming calendar year to be filed with the Town Clerk.

**Section 12-6. Conflict of Interest of members**

Members shall not vote on any decision or recommendation where the outcome of the matterbeing considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant fora text amendment is a person with whom the member has a close familial, business, or other associational relationship.

For purposes of this section, a “close familial relationship” means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

# CHAPTER 13 BOARD OF ADJUSTMENT

## Section 13-1. Board of Adjustment Established; Membership

A. A Board of Adjustment is hereby established.

B. The Board of Aldermen shall serve as the Board of Adjustment with the addition of one (1) extraterritorial representative appointed by the Alamance County Board of Commissioners, as provided by G.S. 160D-307.

C. As provided in G.S. 160D-406(i), all members of the Board of Adjustment shall vote on all matters before the board unless there is a conflict of interest. As authorized by G.S 160D-307 all members shall exercise their jurisdiction and authority concerning all matters presented to the Board.

D. Oath: All members before entering their duties, qualify by taking an oath of office as required by NCGS 160A-61.

## Section 13-2. Powers

The Board of Adjustment shall have the following powers:

A. Administrative review. The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning enforcement officer, building inspector or Village official so empowered and in the enforcement of this chapter may be authorized in NCGS 160D-405.

B. Variances. The board shall authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship with a four-fifths majority decision. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. A variance from the terms of this chapter shall not be granted by the Board ofAdjustment unless and until it shall make a finding that:
    1. Special conditions and circumstances exist which are peculiar to the land,structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
    2. The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare;
    3. Literal interpretation of the provisions of this chapter will deprive the applicant of a right commonly enjoyed by properties in the same district under the terms of this chapter;
    4. The special conditions and circumstances do not result from the actions of theapplicant;

and

5. Granting the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands or structures in the same district.

**Section 13-3. Notice**

A. *Mailed Notice*: The procedures adopted pursuant to this section shall provide that whenever there is a public hearing, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts.

This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Aldermen that fact, and such certificate shall be deemed conclusive in the absence of fraud.

B. *Media Notice:* 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 the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

**Section 13-4. Rules for Proceedings**

A. The Board of Adjustment shall hear and decide requests for variances and appeals of decisions of administrative officials charged with enforcement of the Zoning Ordinance. The board shall also hear and decide on requests for Special Use Permits as provided in Chapter 5.

B. The Mayor shall serve as chair of the Board of Adjustment , and the mayor pro tem, as vice chair. The board shall appoint a secretary who may be a municipal officer, an employee of the Village or a member of the board. Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. The chair or in the absence of the chair the vice-chair may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public.

C. The concurring majority vote of the membership of the Board of Adjustment shall be required to overrule any decision of the zoning enforcement officer, building inspector or other Village official empowered under this chapter, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter. A variance requires a four-fifths majority vote.

D. The Board of Adjustment shall follow quasi-judicial procedures when deciding appeals and

requests for variances pursuant to NCGS 160D-406.

E. On all appeals, applications and other matters brought before the Board of Adjustment, the board shall inform in writing all the parties involved of its decisions and the reasons therefore.

F. During the hearing, objections regarding jurisdiction or other evidentiary facts must be ruled on by the chair as to whether to include or not include as evidence, giving deference to anyone who may bring competent, material and substantial evidence to the hearing that is not repetitive pursuant to NCGS 160D-406(d). The full board may be appealed to allow or disallow the evidence or material.

**Section 13-5. Appeals to Board**

A. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer, department, board, or bureau of the Village affected by any decisions of the county building inspector, zoning enforcement officer, or other town official based on this chapter. Such appeal shall be taken within 30 days of the filing of the decision being appealed or the delivery of any required written notice of the decision, whichever is later, by filing with the Village clerk and with the board of adjustment a written notice of appeal specifying the grounds thereof. All papers constituting the records upon which the action appealed from was taken shall forthwith be transmitted to the board of adjustment.

B. The Board of Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it and shall give due notice thereof to the parties in interest and shall decide the matter within a reasonable time no less than 30 days. Upon a hearing, any party may appear in person or by agent or by attorney.

C. Appeals of administrative decisions by staff, require that the staff member that made the determination appear at the hearing as a witness in the appeal if still employed. Otherwise, a different staff member in the same position must appear as a witness.

**Section 13-6. Stay of Proceedings**

Under this chapter, an appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, because of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the building inspector, and on due cause shown.

**Section 13-7. Fees**

A fee established by the Board of Aldermen shall be paid to the Village of Alamance for each

application for each Appeal to the Board of Adjustment to cover the costs of advertising andthe other administrative expenses involved.

**Section 13-8. Appeals from Decisions of Board**

Appeal from the decisions of the Board of Adjustment shall be to Superior Court of Alamance County. Such appeal must be made within 30 days after the filing of the board's decision with the Village Clerk.

**Section 13-9. Conflict of Interest**

A Board of Adjustment member when exercising any quasi-judicial function 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 dueprocess 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.

"Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild, the step, half and in-law relationships."

# CHAPTER 14 AMENDMENTS

### Section 14-1. Role of Board of Aldermen

A. The Board of Aldermen, as the governing body of the Village of Alamance, acts in its legislative capacity when considering proposed amendments to the text of this Ordinanceor to the Zoning Map and shall observe the procedural requirements set forth in this Ordinance.

B. It is the intention of this Ordinance that the duties of the Board of Aldermen in connection with the Ordinance shall not include the hearing and passing upon of disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in this Ordinance. Furthermore, the duties of the Board of Aldermen in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment, or repeal of this Ordinance as provided by law.

C. When adopting or rejecting any map or text amendment, the Board shall adopt a brief statement describing whether the action is consistent or inconsistent with any of the Village's approved plans. The statement should cite the nature of how or why the amendment is or is not consistent.

D. In addition, when adopting or rejecting any petition for a zoning map amendment, the Board shall adopt a statement analyzing the reasonableness of the proposal. It may consider (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under NCGS 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

E. The Board may adopt a single statement of reasonableness and plan consistency pursuant to NCGS 160D-605(a).

### Section 14-2. Initiation of Amendments

A. Proposed changes or amendments may be initiated by the Board of Aldermen, the Planning Board, the Board of Adjustment, or by one or more interested parties. Written petitions from the public at large to amend this Ordinance shall be directed to the Village of Alamance Planning Board at least thirty (30) days before the next regularly scheduled

meeting of the Planning Board. A copy of the petition shall also be filed with the Clerk. The petition shall state the nature of the proposed amendment, and, if applicable, a descriptionof the property involved, names and addresses of the owners of the property, and a statement as to why the proposed amendment is necessary to promote the public health, safety, and general welfare.

B. *Down-zoning prohibition*: Third party down zonings or a rezoning that reduces allowable uses to a property are prohibited. The Village of Alamance or the landowner may initiate a down-zoning.

C. It shall be the responsibility of the Zoning Enforcement Officer to inform the applicant that in the case of a general rezoning amendment, the Planning Board will not evaluate the petition based on any specific proposal or development of the property unless it is a site-specific development plan such as a proposed conditional rezoning as provided by this ordinance. Each petition for an amendment submitted by one (1) or more owners, optionors, or lessors, etc. of property within the Village's jurisdiction shall be accompanied bya fee established by the Board of Aldermen intended to defray the cost of advertising and other administrative costs involved.

D. No proposed change in this Ordinance or Zoning Map, if denied by action of the Board of Aldermen may be resubmitted within a period of one (1) year from the date of such denial, unless the Board unanimously finds that changing conditions in the area or new information concerning the property requested for rezoning warrant resubmission for a change in this Ordinance or Zoning Map. However, should the denial be for a conditional use rezoning, it may be resubmitted within a period of six (6) months from the date of such denial.

**Section 14-3. Action by the Planning Board**

A. The Planning Board shall review each petition for amendment pursuant to NCGS 160D-604 (d). It shall make a written statement regarding the petition’s consistency with a comprehensive, land use plan, or any other plans applicable to the Village. The Planning Board shall submit its recommendation and statement regarding consistency to the Board of Aldermen within forty-five (45) days after receiving the petition. Failure of the Board to submit its recommendations within this time period shall constitute a favorable opinion.

B. If a zoning map amendment is approved that may be inconsistent with the future land use map in the adopted land development plan, the land development plan and associated map are considered amended, and each should have a note of the change in future land use affixed pursuant to NCGS 160D-605 (a)

**Section 14-4. Notice for Public Hearing**

A. *Media Notic*e: A notice of a legislative public hearing for a text amendment or a zoning map amendment shall be given once a week for two (2) consecutive calendar weeks in a

newspaper of general circulation in Alamance County. Such notice shall be published the first time not less than ten days nor more than twenty-five (25) before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

B. *Mailed Notice*: Whenever there is a Zoning Map amendment, the owner of that parcel of land and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing and across any transportation corridors, shall be mailed a notice of the public hearing on the proposed amendment by first class mail. The notice shall be deposited in the mail at least ten (10) but not more than twenty-five (25) days before the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Aldermen that fact, and such certificate shall be deemed conclusive in the absence of fraud.

C. *Posted Notice:* Whenever there is a Zoning Map amendment, the Board of Aldermen shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. If multiple parcels are being rezoning, not every parcel must be posted, but information posted should show the scale of the rezoning request with a map or multiple rezoning notices. This notice must be posted on the site at least 10 but not more than 25 days prior to the date of the hearing.

D. *Expanded Notice*: The above first-class mail notice shall not be required if the Zoning Map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners and the Village elects to use the expanded published notice. In this instance, the Village may elect to either make the mailed notice provided for above or may, as an alternative, elect to publish once a week for four (4) successive calendar weeks in a newspaper having general circulation in the area, an advertisement of the public hearing that shows the boundaries of the area affected by the proposed Zoning Map amendment and explains the nature of the proposed change. The final two (2) advertisements shall comply with and be deemed to satisfy the provisions of NCGS 160D -601.

The advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. The staff member mailing the notice shall certify such to the Board of Aldermen. In addition to published notice, the Village shall post one (1) or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.

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**Section 14-5. Rezoning Consideration at Public Hearing**

A. *General Use Rezoning*: During and following the public hearing, when considering a petition

for rezoning to a general zoning classification, the Board of Aldermen will not evaluate a petition based on any specific proposal for the use or development of the property. The petitioner will refrain from using any graphic materials or descriptions of the proposed development except for those which would apply to any use permitted by the requested classification

B. *Conditional Rezoning*: A petition for rezoning to a conditional district shall be considered as provided in Chapter 4 Article 2. Any conditions related to the conditional zoning decided at the public hearing, shall be agreed to by the applicant or landowner in writing to ensure enforceability pursuant to NCGS 160D-703(b).

**Section 14-5. Adoption of Amendment**

A. When adopting an amendment to the zoning ordinance, the Board of Aldermen must adopt a brief statement describing whether the action is consistent or inconsistent with approved plans adopted by and/or applicable to the Village (G.S. 160D-605(a).

B. When adopting an amendment to the zoning map, the Board must adopt a statement of reasonableness that may consider : (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. (G.S. 160D-605(b).)

C. The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement.

**Section 14-6. Fees**

A fee established by the Board of Aldermen shall be paid to the Village of Alamance for each application for an Amendment to cover the costs of advertising the other administrative expenses involved. The Board of Aldermen may enact other fees related to the enforcement of this ordinance and may change fee schedules at any time deemed necessary. A schedule of fees shall be posted in the office of the Village Clerk.