TOWN OF JAMESTOWN
LAND DEVELOPMENT ORDINANCE

Adopted by the Jamestown Town Council on July 21, 2009
Amended by the Jamestown Town Council - Feb. 16, 2010
Amended by the Jamestown Town Council - June 15, 2010
Amended by the Jamestown Town Council - July 20, 2010
Amended by the Jamestown Town Council - August 17, 2010
Amended by the Jamestown Town Council - December 21, 2010
Amended by the Jamestown Town Council - September 20, 2011
Amended by the Jamestown Town Council - February 19, 2013
Amended by the Jamestown Town Council - July 16, 2013
Amended by the Jamestown Town Council – January 21, 2014
Amended by Town Council – August 19, 2014

Settled 1752
JAMESTOWN
NORTH CAROLINA

Town Council

Keith L. Volz, Mayor
R. Brock Thomas, Mayor Pro Temp
J. Frank Gray
Georgia Nixon-Roney
Larry M. Lain

Planning Board

Steve Owen, Chairman
Peggy Corey
Vic Gilliland
T. G. Madison (ETJ Member)
Kim McKone (ETJ Member)
Dot Perdue
Kerry Miller
Heath Carrier (ETJ Member)
Daniel McRae (ETJ Member)

Land Development Ordinance Advisory Committee

Kerry Miller, Chair (Planning Board)
Kathryn Billings (staff)
Matthew Johnson (staff)
Martha Wolfe (staff)
Frank Gray (Council)
Nancy Hamilton
George Ragsdale
Lawrence Straughn
Vic Gilliland (Planning Board)

Town Staff

Kathryn Q. Billings	Town Manager
Matthew Johnson	Planning Director
Martha Wolfe	Town Clerk
Judy Gallman	Finance Officer
Connie Queen	Utility Billing Coordinator
Sharen Apple	Admin. Support Specialist
Chuck Smith	Public Works Director
Jeff Thomas	Fire Captain

Acknowledgements

Gerald Green, AICP, Principal	GreenPlan, Inc.
Mike Figura, Planner	GreenPlan, Inc.
Daniel Windham, Designer	GreenPlan, Inc.
Mary Weber, ASLA	Mary Weber Landscapes

Table of Contents

Article	Title
1	Purpose and Authority……...4
2	General Provisions……10
3	Definitions……30
4	Boards and Commissions…….68
5	Amendments to Development Ordinance and Zoning Map……78
6	Variances and Administrative Appeals……92
7	Permits and Procedures……97
8	Zoning Districts (including table of uses)……...139
9	Building and Lot Type Standards……...181
10	Uses with Additional Standards and Conditional Uses...……...215
11	Landscape Requirements and Tree Protection……....256
12	Off-street Parking, Stacking, and Loading Areas...……....286
13	Streets...……...……....299
14	Flexible Development Standards...…….....303
15	Special Events and Temporary Structures …….....305
16	Subdivisions…...…….....309
17	Sign Regulations…….....325
18	Flood Damage Prevention…...……...355
19	Watershed Protection Ordinance……....378
20	Erosion and Sedimentation Control…...……...….....448
21	Open Space ……....…….....461
22	Non-Conformities……...……....469
23	Administration and Enforcement……...…472
24	Nuisance Abatement and Property Management Code……...……..480

Appendices

Appendix	Title
1	Rezoning Request
2	Protest Petition
3	Variance Request
4	Design Review Application
5	Development Clearance Certificate
6	Letter of Credit
7	Zoning Verification Request
8	Home Occupation Application
9	Landscape Installation Waiver
10	Rare and Specimen Tree Form
11	Tree Disturbance Permit
12	Street Closing Petition
13	Street Renaming and Renumbering Request
14	Easement Release
15	Special Event Permit
16	Final Plat Approval Checklist
17	Final Plat Language
18	Sign Permit
19	Flood Development Permit
20	Letter of Reasonableness
21	Site Plan Approval Process Flowchart
22	Rezoning/Text Amendment Process Flowchart
23	Tree Species List
24	Permitted Use Tables
25	Ordinance Amendments

ARTICLE 1

PURPOSE AND AUTHORITY

1.1 Short Title

This Ordinance shall be known and may be cited as the "Jamestown Land Development Ordinance."

1.2 Enactment and Repeal

1.2-1 Enactment. This Ordinance is hereby enacted and shall be the Land Development Ordinance for the Town of Jamestown, hereinafter "the Town" and the areas within its extraterritorial jurisdiction. This ordinance supersedes the Jamestown Development Ordinance, which is hereby repealed.

1.2-2 Effective Date. This Ordinance shall become effective on July 21, 2009.

1.3 Purpose

1.3-1 General Purpose. It is the purpose of this Ordinance to promote the health, safety, and the general welfare of the residents of the Jamestown through the stated regulations of this Ordinance which include provisions to regulate zoning, cluster development, planned unit developments, manufactured housing, development of subdivisions, signs, off-street parking and loading, planting yards, watershed protection, and flood damage prevention.

1.3-2 Implementation of Comprehensive Plan. This Ordinance shall be used to implement the Comprehensive Plan of the Town of Jamestown

1.4 Guiding Principles

The guiding principles reflected in this ordinance are those stated in the Town of Jamestown's Comprehensive Plan. These principles are:

- Careful management of development is required due to the limited amount of vacant land in Jamestown's growth area;
- Excellent revitalization and infill opportunities throughout Jamestown, especially in the downtown area, must be utilized;
- New development and redevelopment should create a pedestrian friendly, walkable community; and
- Well planned, quality growth must enhance Jamestown's quality of life, protect the small town community character, and use the Town's natural, historic, and cultural resources wisely.

1.5 Relationship to Comprehensive Plan

The administration, enforcement, and amendment of the Land Development Ordinance shall be carried out consistently with plans and documents comprising the Guilford County Comprehensive Plan, the Town of Jamestown Land Development Plan, the Jamestown Parks and Recreation Master Plan, and other plans adopted by the Town. New planning documents or small area plans adopted by the Town Council are automatically incorporated into this Ordinance.

1.6 Jurisdiction

The provisions of this Ordinance shall apply to all the territory encompassed in the Town of Jamestown, North Carolina, and its extraterritorial jurisdiction as now or hereafter fixed, as depicted on the Town's Official Zoning Map on file at the Jamestown Town Hall. This map is hereby incorporated and made a part of this ordinance. This Ordinance shall govern the development and use of all land and structures within the Town and its area of extraterritorial jurisdiction as provided for by Article 19 Regulation of Development, of G.S. 160A Cities and Towns.

1.7 Authority

This ordinance is adopted pursuant to portions of one or more of the following authorities in NCGS: Chapter 160A (Cities and Towns), Chapter 113A (Pollution Control and Environment), Chapter 121 (Environmental Controls), Chapter 133 (Public Works), and Chapter 136 (Roads and Highways). This Ordinance may be amended from time to time as required or allowed by subsequent legislative enactments.

1.8 Conflict or Inconsistency with Other Laws, Covenants, Deed Restrictions, or Agreements

1.8-1 Relation of this Ordinance to Other Regulations. This Ordinance is not intended to abrogate any other law, ordinance, or regulation. However, where conditions, standards, or requirements imposed by any provision of this Ordinance are either more restrictive or less restrictive than standards imposed by any other law, ordinance or regulation, the provisions which are more restrictive or which impose higher standards or requirements shall govern. In cases where reference is made to the North Carolina General Statutes, or any provision thereof, said reference shall be to the current language of said statute or provision. Whenever a process is prescribed by this Ordinance, and said process contains requirements in addition to those prescribed by state law, the process prescribed in this Ordinance shall be deemed supplemental; state law shall control.

1.8-2 Conflicting Provisions of this Ordinance. In the event of any conflict between the limitations, requirements, or standards contained in different

provisions of this Ordinance in applying them to an individual use or structure, the more restrictive provision shall apply. However, the regulations for overlay districts set forth in article 8 of this Ordinance shall control in the event of any conflict between those regulations and regulations which are set forth in article 8 of this Ordinance for the underlying district. In the event of a conflict or inconsistency between the text of this Ordinance and any caption, figure, illustration, or map contained herein, the text shall control.

1.8-3 Conflicts with Covenants, Deed Restrictions, etc. This Ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern.

1.8-4 Effect on Existing Agreements. This Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, vested rights, or permits previously adopted or issued pursuant to law.

1.9 Severability

If any section or specific provision or standard of this ordinance or any regulating district boundary arising from it is found by a court to be invalid or unenforceable for any reason, the decision of the court shall not affect the validity or enforceability 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.

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

1.10 Interpretation of Ordinance

1.10-1 Minimum Requirements; Greater Restrictions Govern. In the interpretation and application of this Ordinance, all provisions shall be considered to be minimum requirements. If any federal or state law or other ordinance or regulation allows lesser regulation, this Ordinance shall govern so that, in all cases, the more restrictive limitation or requirement shall govern. Whenever regulations imposed by this Ordinance are less restrictive than regulations imposed by any governmental authority, the regulations imposed by that authority shall govern.

1.11 Rules of Construction

1.11-1 Word Interpretation.

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

(B) Words used in the present tense include the future tense.

(C) Words used in the singular number include the plural number and the plural number includes the singular number unless the context of the particular usage clearly indicates otherwise.

(D) Words used in the male gender include the female gender.

(E) The words "shall," "will," and "must" are mandatory in nature implying an obligation or duty to comply with the particular provision.

(F) Any act authorized by this Ordinance to be carried out by a specific official of the Town is, by implication, authorized to be carried out by a designee of that official.

1.11-2 Relationship of this Ordinance to Any Pending Action. The adoption of this Ordinance shall not affect any action, suit, notice of violation, citation, or proceeding that may be pending at the date this ordinance becomes effective. All rights and liabilities that have been received or created and any violation that has occurred under any previous provisions of the Code of Ordinances of the Town of Jamestown that have been superseded by this Ordinance are still valid and may be preserved and enforced.

1.12 Compliance

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

No applicable permit shall be issued or granted that does not conform to the requirements of this Ordinance. Developments that have received staff approval, Enforcement Officer approval, or a building permit before the effective date of this Ordinance may proceed in accordance with such approval or permit while such approval or permit remains in effect.

1.13 Establishment of Official Zoning Map

1.13-1 Official Zoning Map. The Town is hereby divided into zones, or districts, as established in Article 8 (Zoning Districts) and as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance. The Official Zoning Map is on file at the Jamestown Town Hall.

1.13-2 Map Certification and Changes. The Official Zoning Map shall be attested

by the Town Clerk and shall bear the seal of the Town together with the effective date of the adoption of this Ordinance. If changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map.

1.14 Interpretation of District Boundaries

1.14-1. Boundary Interpretation. Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the following rules shall apply in the interpretation of area boundaries and the location of lines shown on the map:

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

(B) Lot Line: Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. In the event that a district boundary line divides a lot or tract, each part of the lot or tract so divided shall be used in conformity with the regulations established by this Ordinance for the district in which said part is located. Split zoning of lots should be avoided to the extent possible, with zoning boundaries following lot lines where feasible.

(C) Town Limits: Boundaries indicated as approximately following the town limits or extraterritorial boundary lines of the Town of Jamestown shall be construed as following the town limits or extraterritorial boundary lines.

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

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

(F) Scaling: In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of

the scale appearing on the map. In the case of Flood Hazard Area, Corps of Engineering work maps, if available, shall be used for scaling.

(G) Other: Where the actual location of existing physical or natural features vary with those shown on the Official Zoning Map, or in other circumstances not addressed in this section, the Planning Board shall have the authority to interpret the district boundaries.

ARTICLE 2

GENERAL PROVISIONS

2.1 General Requirements

Upon the adoption of this ordinance, no structure shall be erected nor use established in conflict with:

· the district regulations of Article 8,

· the building and lot regulations of Article 9,

· the street regulations of Article 13,

· the off-street parking regulations of Article 12,

· the landscape regulations of Article 11,

the open space regulations of Article 21,

· the general provisions of Article 2, or

· the sign regulations of Article 17.

2.2 Street Frontage Required

Any lot on which a building (or buildings) is to be erected or use is to be established shall abut a public street with the following exceptions:

- Any lot for which a residential use has been legally established prior to the effective date of this ordinance provided the lot is served by a private and exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement. A driveway accessible by emergency equipment must be located on said easement. Lots created under these provisions shall be known as “easement-access lots”.
- Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance, provided the lot is served by a private, exclusive recorded easement of at least 15 feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
- Up to four (4) residential lots may be served by a private street meeting the standards for private streets set forth in article the Town of Jamestown Standards

and Specifications Manual.

- A site specific development plan may be considered for approval in the Main Street, Main Street Periphery, Residential/Main Street Transitional, TND Overlay, Cluster Development Overlay, or Campus Overlay districts where residential and/or non-residential lots and/or structures front upon a private courtyard, carriageway, mid-block private alleyway with courtyard, or pedestrian way, or urban open space as defined in Article 3, where adequate access by emergency vehicles is maintained by way of a street or alley and where the off-street placement of uses does not diminish the orientation of building fronts to the public street.
- A site-specific development plan may be considered for approval in the Civic and Campus Overlay Districts to permit interior lot access by private drives so long as business and emergency access is furnished to all interior building sites and proposed buildings at the perimeter of the development front upon a public street or are buffered in accordance with this ordinance. Subdivisions should be primarily served by public streets and use of private drives should be minimal. Private drives may be appropriate where property configuration or environmental constraints make their use a practical alternative. Private drives serving uses in the Civic and Campus Overlay Districts shall be constructed in accordance with the standards for commercial streets as found in the Town of Jamestown Standards and Specifications Manual and sidewalks shall be provided on at least one side of the private drive.
- To access a lot or lots in the Commercial or Bypass District, where factors beyond developer control, such as a limited access highway, an existing development, or the location of an existing intersection, prohibit completing a street connection, a private drive may be substituted for the interior street which cannot be connected to the public network.

2.3 One Principal Building on a Lot; Exceptions

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple buildings which, taken together, compose a single principal use may be erected on a single lot as permitted by the district regulations and described by building and lot type.

2.4 Lot Size

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size such that the requirements for building and lot type cannot be met, or the standards for spacing of structures and street frontage cannot be respected. This prohibition shall not be construed to prevent the purchase, dedication, or condemnation of narrow strips of land for public utilities or street or sidewalk right-of-way purposes.

2.5 Lot Width

The required width of a lot, as set forth in Article 8 of this ordinance, shall be measured

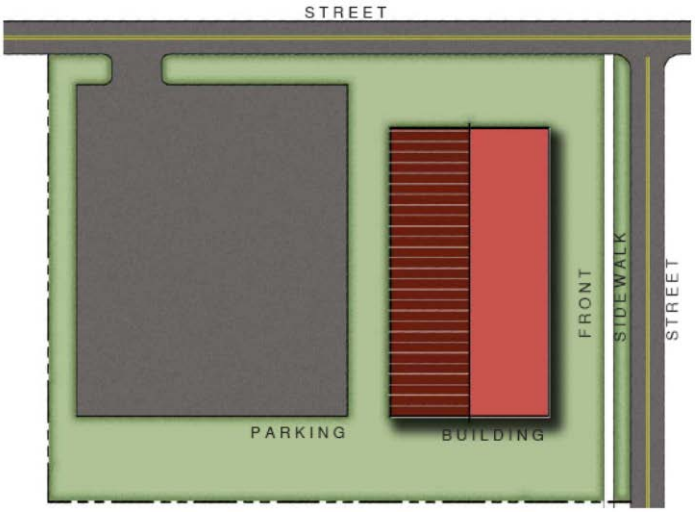
at the required front setback line.

2.6 Yard Designation

2.6-1. Lots Abutting More Than One Street. On lots that abut more than one street, building and lot shall generally front upon the more pedestrian oriented street, given the arrangement of existing and proposed streets and drives, and the orientation of buildings on adjoining lots.

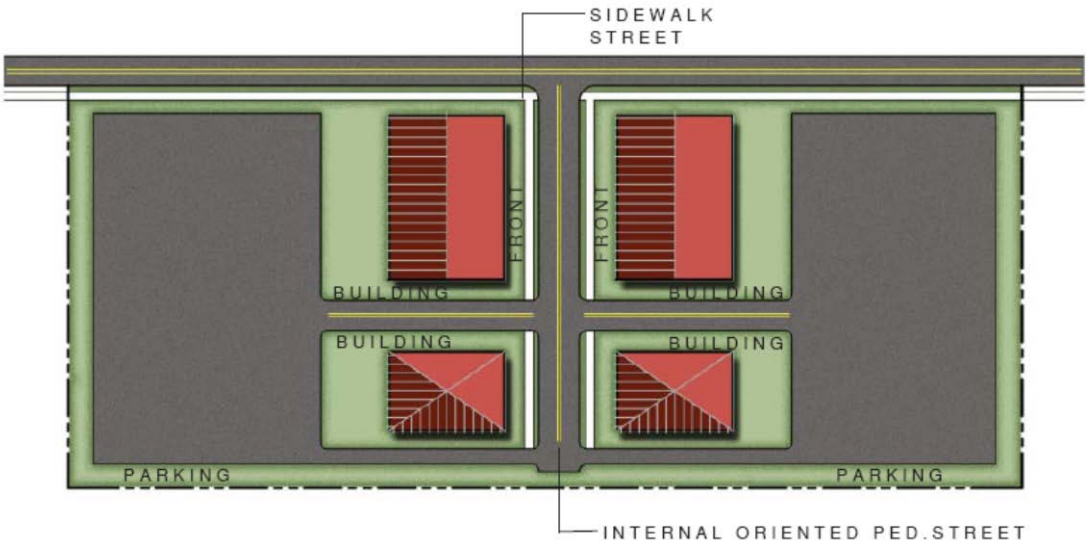
LOTS ABUTTING MORE THAN ONE STREET

One Building Lot



2.6-2 Multiple Buildings on a Lot. Where multiple buildings are permitted on a single platted lot, each building shall generally front upon a pedestrian oriented street, external or internal to the development; side and rear yard designations shall be determined on the basis of building orientation.

Multiple Buildings on a Lot



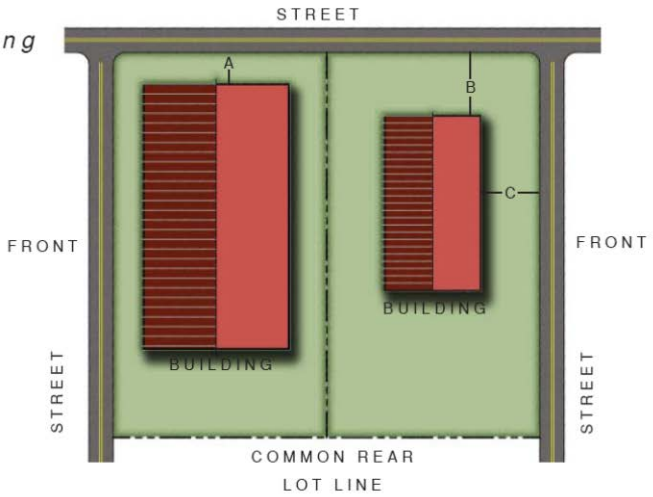
2.6-3 Irregularly Shaped Lots. On irregularly shaped lots, the location of required front, side, and rear yards will be determined by the Planning Director. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing of buildings and orientation to the street(s).

2.7 Yard Dimensions for Corner Lots.

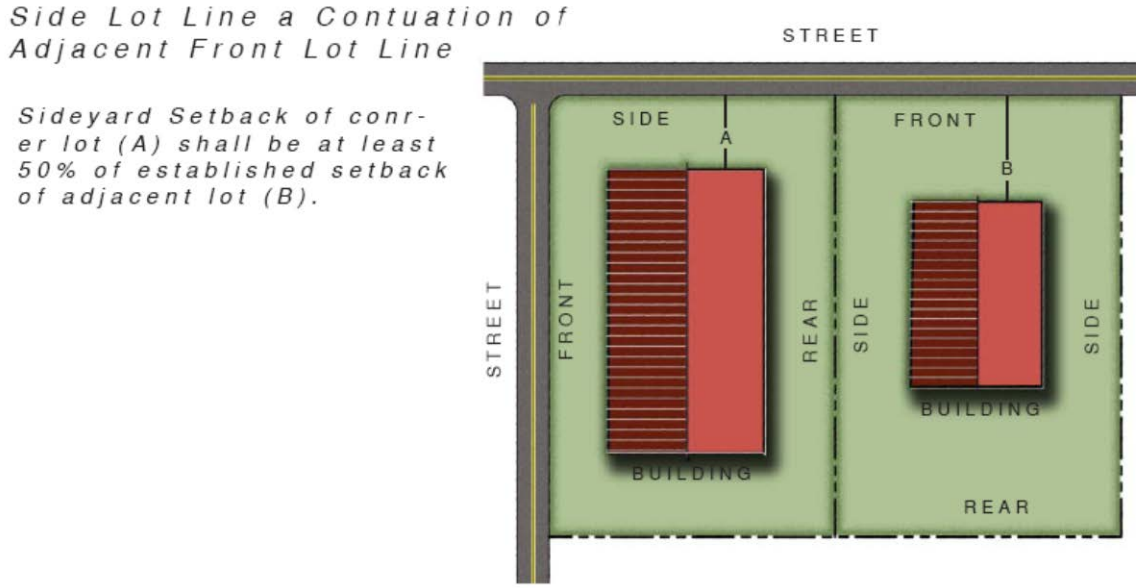
2.7-1 Two Corner Lots Abutting at Rear. If two corner lots are separated by a common rear lot line, the common side yards of the lots on the street must be at least 50 percent of the greater of the two front setbacks, existing or required.

Two Corner Lots Abutting

Common side yards on the street (A&B) must be at least 50% of the greater of the 2 front setbackes (C).



2.7-2 Side Lot Line a Continuation of Adjacent Lot Front Lot Line. In any district, where the side lot line of a corner lot is substantially a continuation of the front lot line of the lot to its rear, the required side yard of the corner lot shall (a) be at least 50 percent of the established front setback of the adjacent lot or (b) establish a transition between existing buildings by stepping toward the street or back from the street a distance equal to the lesser building setback + one-half of the difference between the setbacks of the adjoining buildings.



2.7-3 Buildings on Corner Lots. Buildings on corner lots shall be positioned on the corner as required by the building and lot type standards for the zoning district in which the lot is located.

2.8 Through Lots.

If both the front and rear yards of a lot abut public streets, then the rear building line shall respect the alignment of buildings on the back street while the front building line shall respect the alignment of buildings on the fronting street.

2.9 Height Limitation

2.9-1 Building Type Controls. The height of habitable buildings and components is controlled by building type (see Article 9).

2.9-2 Building Components Exceeding Height Limitation. Structures and structural components not intended for human occupancy (including towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic

building type (Article 9). When adjacent to a lot or lots located in a residential district, any part of a non-civic structure that extends above the height limit must be separated from the residential lot by a distance equal to its height measured from the ground.

2.9-3 Exceptions to Height Limitation. The height limitations of this section shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

2.9-4 Height of Communication Towers. Commercial communication towers, where permitted, may exceed the height limit for structures when the standards for these towers, as set forth in Article 10, are met.

2.10 Structures and Uses Limited in Yards

2.10-1 No Principal Structure in Setback. No principal building or structure shall be located within any required setback or yard, forward of the build-to line for a principle structure, within any setback or yard established by a recorded plat, nor in any required buffer or screen.

2.10-2. No Accessory Structure in Setback. Except as otherwise provided in this article, no accessory structure shall be located within an established setback or required side yard, nor within 5 feet of a side or rear lot line. Where permitted, accessory dwellings may be located no closer than10 feet to the right-of-way or easement of an abutting mid-block alley, nor closer than 10 feet to an abutting rear property line. Fences, walls, security gates, paths, walkways, mailboxes, utility poles, lighting fixtures, patios at grade, and similar features may be located in an established setback or required yard, so long as the sight triangle on corner lots is protected according to the provisions of section 2.11 of this Ordinance. If the accessory structure exceeds the height of the principal structure, it must meet the minimum side yard and be at least 15 feet from the rear lot line.

2.10-3. Fences. Fences may be located in any yard, established or required, according to the standards of section 2.13-2 of this Ordinance.

2.10-4. Signs. Signs may be located in an established front setback or a sideyard abutting a public street as permitted by the provisions of Article 17, Sign Standards.

2.10-5 Transit Shelters. Transit shelters may be located in any setback or yard which abuts a street provided the sight triangle on corner lots is protected according to the provisions of section 2.11 of this Ordinance.

2.10-6. Off-street Parking. Off-street parking areas, maneuvering areas for parking, and loading areas are prohibited in the established front building setback, which shall be landscaped, in any established side yard abutting a street, which shall be landscaped, and in any required buffer or screen. This restriction shall not apply to:

(A) a driveway which crosses a front yard to provide access from the street to a parking area;

(B) an individual driveway, including conventional appurtenances thereto such as basketball goals, designed to also serve as a parking area for a detached or duplex dwelling;

(C) plazas associated with civic buildings that have been designed and approved for occasional use as secondary parking areas;

(D) the frontage along a Town street for which specific streetscape plan and section have been adopted by the Town Council to include limited parking and access in a series of fronting yards;

(E) maneuvering areas for loading or delivery activities in the established setbacks and yards of buildings in mixed use zoning districts where the location of buildings that were legally constructed without the provision of these areas preclude them from being located out of established setbacks and yards. Maneuvering areas for parking, loading, or delivery activities are prohibited in the public right-of-way in residential and commercial districts.

2.10-7 Outdoor Storage. No outdoor storage of goods and materials or refuse containers shall be located in any established setback or established side yard abutting a street, nor in any required buffer or screen, except for the temporary placement of refuse for scheduled curb side collection.

2.10-8 Architectural Features. Notwithstanding other provisions of this section, architectural features such as cornices, eaves, bays, awnings, steps, gutters, and fire escapes may project up to 3 feet into an established or required yard; additional encroachment is permitted for certain building and lot types established in Article 10.

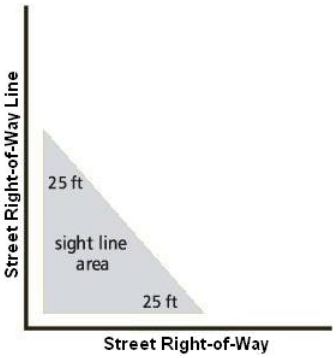
2.10-9 Subordinate Structures. Subordinate structures attached to single family homes, such as decks, garages, porches, utility rooms, and similar features may extend into the required rear yard up to 25% of the rear yard's depth, and may consume up to 20% of the rear yard's area. Attached garages accessed from rear alleys may extend into the required rear yard to within 3' of the alley right-of-way or easement, and may consume up to 50% of the rear yard's area. Such extensions may not exceed 50% of the width of the dwelling at the rear building line.

2.10-10 Backflow Preventers. Above ground backflow preventers are expressly prohibited in the established front yards of buildings where underground backflow preventers or a location outside of the established front yard is technically feasible according to the standards and requirements of the Public Services Department. Where there is no reasonable alternative to locating an above ground backflow preventer in the established front yard, the structure housing the device shall be covered in a non-reflective material and shall be surrounded, on all sides visible from public streets and abutting properties, by a landscaped opaque screen that matches that architectural style of the primary building.

2.11 Clear Sight Triangle at Street Intersection

2.11-1 Sight Triangle Required. Unless provided otherwise, a clear view at each corner of an intersection shall be maintained by establishing an unobstructed "sight triangle". The extent of the required sight triangle varies according to the speed limit of streets forming the intersection. For streets signed 35 MPH or greater, the area to be clear of view obstructions at unsignalized intersections is the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 35 feet from the point of intersection. For intersecting streets signed for less than 35 MPH, the area to be clear of view obstructions at unsignalized intersections is the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of 25 feet from the point of intersection.

Site Triangle Illustration for Streets Signed for Less Than 35 MPH:



2.11-2 No Obstruction in Sight Triangle. No planting, structure, sign, fence, wall, manmade berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between 30 inches and 72 inches above the level of the center of the street intersection.

2.11-3 Modifications to Limitations. The limitations of this section may be modified in the instances noted below, so long as adequate visibility is

maintained relative to intended speed limit:

(A) existing natural grades;

(B) trees trimmed such that no limbs or foliage extend into the area between 30 and 72 inches above the level of the adjacent intersection;

(C) fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;

(D) buildings located in the Main Street District or the mixed-use center of the TND District;

(E) the approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to: a series of hill crests, neckdowns, intersection diverters, and curb bulbs.

2.12 Building Separation

All detached principal structures in all districts shall preserve a minimum building separation of 10 feet, except for Urban Workplace, Shopfront Commercial, and Attached House Lot/Building Types in the Main Street District, Main Street Periphery District, Bypass District, or the mixed-use center of the TND District. All detached accessory structures in all districts shall maintain a minimum building separation of 4 feet, as measured from the overhang.

2.13 Permitted Accessory Uses in All Districts

2.13-1 Accessory Uses and Structures. Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot.

2.13-2 Fences and Walls.

(A) A zoning permit issued by the Planning Director shall be required for all fences and walls. The process for obtaining a zoning permit is set forth in Article 7 of this Ordinance.

(B) In a residential, mixed use, or commercial district, a fence or wall in the established front yard, side yard, and rear yard of a building abutting a street shall be a minimum of 2 feet in height and a maximum of 5 feet in height, unless otherwise regulated by the building or lot type standards (Article 9). Fences along interior side property lines in a residential, mixed use, or commercial district shall not exceed 5 feet in height in front of a line parallel to the

front of the principal structure on the lot. Decorative caps or spires that extend above the highest horizontal member of the fence shall not be included in the measurement of height. Chain link, welded wire, or similar fencing materials, if used, shall be placed on the interior side of a masonry wall, solid wood fence, or decorative wood or vinyl fence that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. (For example, a 4' high welded wire fence attached to the interior of a decorative split rail fence or board farm fence of equal height or greater would perform to the standards of this section).

(C) In a residential or mixed use district, a fence or wall in an established rear yard **that abuts an alley** may not exceed 6 feet in height unless placed 15 or more feet inside property boundary. Within the first 15 feet, fences of chain link or similar material are permitted only if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 3 feet at installation, or if obscured from view by the screening method(s) set out in the paragraph immediately above.

(D) In a residential or mixed use district, a fence or wall in an established rear or side yard **that does not abut a street or alley** may not exceed 8 feet in height.

(E) In a commercial district, a fence or wall located outside the established front yard, side yard, and rear yard of a building abutting a street may have a height of up to 8 feet. Fences of chain link or similar material are permitted in the first 15 feet of an established yard abutting a street or alley only if placed on the interior side of a masonry wall or solid wood fence and planted with a semi-opaque vegetative screen between wall or fence and street or alley. Beyond the first 15 feet abutting a street or alley, such materials may be used if screened on the exterior side by evergreen shrubs planted no farther apart than 6 feet on center, minimum height 2½ feet at installation, or if obscured from view by other screening method(s) which perform at the same or a higher level and are approved by the Planning Director.

(F) In a commercial or industrial district where the side or rear yard abuts a residential or mixed-use district, chain link, welded wire, or similar fencing materials, if used, shall be placed on the interior side of a masonry wall, solid wood fence, or decorative wood fence that is equal to or greater in height than the secure fencing and demonstrates effective screening capability. Additionally, a semi-opaque vegetative screen shall be required on the exterior side of the fence.

(G) Fences shall not be erected over easements such as, but not limited to, access easements, utility easements, drainage easements, or any other public easement, without the explicit approval of the Public Services and Planning Departments. If fences or other barriers are allowed to cross such easements, the Public Services Director may require the installer or landowner to install gates or other access points per standards and specifications set by the Public Services Director to ensure access to such easements in the future as necessary and to minimize damage to private property.

2.13-4 Parking Lots. For parking lots as principal or accessory uses, the landscape and buffering standards of Article 11 shall control.

2.13-4 On-site Land Clearing and Inert Debris (LCID) Landfill.

(A) Any on-site LCID landfill must obtain a permit from and comply with the standards of Guilford County and the State of North Carolina.

(B) Any such landfill must be closed in an approved fashion within six months of completion of construction or within 12 months of cessation of construction, if the development project has not been completed.

(C) The location of any such landfill must be indicated on the sketch site development plan and the final site development plan. Further, any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the landfill recorded as part of the deed for the lot or parcel.

(D) No portion of any such landfill may be located within 35 feet of any property line which constitutes the external boundary of the project. This includes structures, equipment storage, parking areas and fill areas, except that access drives may cross this area.

(E) A surety bond or irrevocable letter of credit in an amount to be determined by the consulting engineer, must be provided to ensure that any active landfill area will be closed in an approved fashion. The amount of the bond will be based upon the maximum acreage expected to be in use at any given time.

2.13-5 Petroleum Storage. Petroleum storage, accessory to a permitted principal use or building, shall comply with the Fire Prevention Code of the National Board of Fire Underwriters.

2.13-6 Temporary Construction-Related Uses. Temporary buildings and storage

of materials provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot; the temporary uses shall be terminated upon completion of construction.

2.12-7 Swimming Pools. Swimming pools located on any site, including single family residential sites, shall be:

(A) Located in a side or rear yard only;

(B) Located a minimum of fifteen feet from any property line;

(C) Completely enclosed by a fence or wall no less than four feet but no more than eight feet in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.

2.14 Standards for Construction; Developer Responsibility

Where standards and responsibility for infrastructure construction, including but not limited to streets, sidewalks, and landscaping, are specified in this ordinance or other ordinances of the Town of Jamestown, those standards shall control. Where standards are not specified, construction shall be in conformance with the standards set forth in the Town of Jamestown Standards and Specifications Manual.

2.15 Guarantee in Lieu of Construction of Improvements

2.15-1. Provision of Guarantee. In lieu of completion of construction of the required improvements, including but not limited to streets, sidewalks, landscaping, parking, and utilities, prior to issuance of a Certificate of Completion, the property owner or developer may:

(A) Submit to the city a performance bond from a corporate surety, licensed in North Carolina to execute such bonds and having a "Superior or Excellent" rating by Standard & Poor, Moody's, Fitch, or A.M. Best; or

(B) Provide an irrevocable letter of credit payable to the Town of Jamestown; or

(C) Deposit or place in escrow a certified check or cash in an amount determined by the Town. Portions of the security deposit may be released as work progresses; or

(D) Enter into an agreement with the Town guaranteeing the completion of the required work, the agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the

Town. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the required improvements. The performance bond or irrevocable letter of credit shall be in an amount equal to a minimum of 110% of the project costs and not to exceed 150% of the estimated cost of the installation of the required improvements, as determined by the Town. The performance bond or the irrevocable letter of credit shall secure the completion of construction of the improvements shown on the approved site development plan. The letter of credit or bond shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the Town of Jamestown. Failure to maintain the required bond or irrevocable letter of credit shall result in the revocation of the approval of the site development plan and any permits issued as a result of the site development plan approval. The bond or irrevocable letter of credit shall be automatically renewed unless all parties agree not to renew it at least sixty (60) days prior to its scheduled expiration date.

2.15-2. Construction Easement. The Town of Jamestown, in its sole discretion, may require a temporary construction easement permitting the Town of Jamestown or its designee(s) to access the property for the purpose of constructing/installing the guaranteed improvements. Such an instrument shall be provided with the performance bond, irrevocable letter of credit, or other form of guaranty. The temporary construction easement shall be valid until all guaranteed improvements have been constructed/installed and approved or accepted by the Town. The temporary construction easement shall pass to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the Town and shall be recorded in the office of the Guilford County Register of Deeds with recording fees to be paid by the applicant/landowner.

2.15-3. Failure to Perform. Failure to initiate construction of the improvements within one year of the date the bond, letter of credit, or escrow agreement was accepted by the Town of Jamestown may result in the Town constructing the improvements, with the cost to be paid from the letter of credit, bond, or escrow account. The surety or the financial institution holding the escrow account shall, if requested by the Town pay all or any portion of the bond or escrow fund to the Town up to the amount needed to complete the improvements based on an estimate by the Town. The Town at its discretion may spend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The Town shall return to the property owner/developer any funds not spent in completing the improvements. Default on a project does not release the developer from responsibility for the completion of the improvements. The Town may

release a portion or all of any security posted as the improvements are completed and approved by the Town. In the event that the amount of the letter of credit, bond, or escrow account on hand is insufficient to pay for the completion of the improvements, the property owner shall pay to the Town of Jamestown the total amount of the insufficiency. If the Town is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the Town.

2.16 Regulation of Nuisances

2.16-1 Noise. No use shall be operated so as to generate recurring noises that are unreasonably loud, cause injury, or create a nuisance to any person of ordinary sensitivities. No nonresidential use shall be operated so as to generate any noise in an adjacent residential or mixed-use district, as detected in that district without instruments, that is louder than the noise which could be generally expected from uses permitted in that district.

2.16-2 Fumes and Odors. No use shall emit fumes, gasses, or odors in concentrations or amounts that cause injury or create a nuisance to any person of ordinary sensitivities on another property.

2.16-3 Vibration. No use shall be operated so as to generate inherent or recurring ground vibrations detectable at the property line without instruments

2.17 General Standards for Driveway Permitting

2.17-1. Review Required. No driveway or other point of access to a street maintained by the North Carolina Department of Transportation shall be constructed, relocated, or altered unless a driveway permit or other approval is obtained from the North Carolina Department of Transportation. The applicant shall comply with the standards for driveways established by the North Carolina Department of Transportation. All driveway plans shall be reviewed by the Town of Jamestown prior to construction of the driveway.

2.17-2. Projects Composed of Multiple Buildings and Lots. For development projects composed of multiple buildings and lots, access to the pre-existing public street system shall be determined by the location of proposed intersecting streets. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area

2.17-3. Access to Subdivision Lots. In a residential major subdivision, access to individual lots from streets constructed as part of the subdivision shall be

reviewed and approved at the time each building permit is issued.

2.17-4. Location and Design of Access. Determination of the location and design of access to the public street system shall be made by the Planning Director and other professional reviewers based on a contextual examination of the site, surrounding development, potential traffic generated on the site, current and future surface transportation system needs, special polices that might exist for the corridor being accessed, and state of the practice principles for access management as promulgated by the Institute of Transportation Engineers and the Transportation Research Board.

2.18 Special Requirements for Lots along Thoroughfares

2.18-1. Authorization. pursuant to North Carolina General Statutes 160A-306 and 153A-326 (which state that cities and counties shall have authority to (1) classify all or a portion of the streets within their jurisdictions according to their size, present and anticipated traffic load, and other characteristics relevant to the achievement of the purposes of this section, and (2) establish by ordinance minimum distances that buildings and other permanent structures or improvements constructed along each class or type of street shall be set back from the right-of-way line or the center line of an existing or proposed street) the following requirements shall apply.

2.18-2. Minimum Setbacks Along Thoroughfares. The build-to or set back line for any lot which abuts a thoroughfare classified on the High Point Urbanized Area Thoroughfare Plan shall be measured from the right-of-way line outlined in the table below (Table 2.17-2) if existing right-of-way is of lesser width. The Proposed Right-Of-Way Line established for each classification of thoroughfare is as follows:

Table 2.18-2

Thoroughfare Classification	Distance from Thoroughfare Center line to "Proposed Right-of-Way Line"
Freeway or Expressway (Class I)	125 feet
Limited Access Arterial (Class II)	100 feet
Commercial Arterial (Class III-C)	75 feet
Major Arterial (Class III)	50 feet
Minor Arterial (Class IV)	35 feet

2.18-3. Transitional Setback for Lots Along Thoroughfares. A transitional setback or yard shall be established for each lot which abuts a thoroughfare that has an existing right-of-way which is not as wide as the ultimate right-of-way established for that thoroughfare. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for those permanent uses which are prohibited in the established setbacks or yards. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses from the transitional setback or yard that are not otherwise permitted in the yard by the district regulations. The property owner shall have one (1) year from the date of right-of-way acquisition to remove any such uses.

2.18-4. Exceptions. The standards herein prescribing setback from the proposed right-of-way line will not apply to any development for which a preliminary subdivision plan or a conditional district site plan has been approved prior to the effective date of regulations requiring setback from proposed right-of-way lines along thoroughfares. Nor shall they apply to structures in the Main Street District, Main Street Periphery District, or mixed-use center in a TND Overlay District.

2.18-5. Right To Appeal. An affected property owner shall have the right to appeal transitional yard or setback requirements to the Board of Adjustment for variance or modification as they apply to a particular piece of property. The Board of Adjustment may vary or modify these requirements upon a showing that:

(A) The peculiar nature of the property results in unnecessary hardships that impede carrying out the strict letter of the requirements, and

(B) Balancing the public interest in enforcing the setback requirements and the interest of the owner, the grant of relief is required by considerations of justice and equity.

In granting relief, the Board of Adjustment may impose reasonable and appropriate conditions and safeguards to protect the interests of neighboring properties. The Board of Adjustment's decision shall be subject to review by the superior court by proceedings in the nature of certiorari in accordance with N.C.G.S. 160A-388 (e).

2.19 Standards for Residential Garages and Parking in Residential Districts

2.19-1. Front Loading Garages on Narrow Lots. On lots greater than 60 feet in width, front loading garages shall be recessed at least 10 feet behind the primary plane of the front facade of the structure.

2.19-2. Exception for Single Family Detached Dwellings with 1400 Square Feet or Less of Heated Space. Single bay front loading garages may be built flush with, but may not project in front of, the primary plane of the front facade of the structure; double bay front loading garages shall be recessed at least 10 feet behind the primary plane of the front facade of the structure.

2.19-3. Alley Access for Narrow Lots. On lots 60 feet or less in width, alley access is required if on-site parking is provided except as provided below.

2.19-4 Front or Side Entry Garages on Narrow Lots. On lots 60 feet or less in width, attached and detached single-family homes may be permitted to have front or side entry garages if the following conditions are met:

(A) The arrangement of permanent structural elements of the unit must provide side view screening of a single or double bay front-loading garage. An example of permanent structural screening would be an elevated porch or stoop with steps to ground.

(B) The finished floor elevation must meet or exceed a height of 36" above grade to qualify under this paragraph. However, this requirement may be waived on projects with an average block cross-slope greater than 5% as measured from the existing ground elevation at the proposed street centerline to the existing ground elevation at the proposed rear lot line.

(C) For attached single-family homes, the garages may not abut one another.

(D) Single or double bay side-loading garages shall be permitted for the end unit of an attached house provided the garage is recessed at least 2 feet behind the primary plane of the structure and the finished floor elevation of the dwelling unit is a minimum of 15 inches above the floor elevation of the garage.

(E) A double bay front-loaded garage will be permitted only if the average block cross slope is greater than 5% as defined in section 2.19-4(B) and the garage is recessed at least 10 feet behind the front façade of the dwelling unit, the garage has two single bay width doors, and the garage width is less than the width of the remaining portion of the front façade of the dwelling.

2.19-5. Parking on Residential Streets. Parking shall be allowed along all residential streets except along alleys, designated bike lanes, and areas specifically signed for no parking. Vehicles shall park so as not to block access to properties.

2.19-6. No Parking in Right-of-Way. In no case shall on-site residential parking extend into the public right of way, or into an easement for a public sidewalk on private property.

2.19-7. On-Street Parking Meeting Residential Parking Requirement. On-street parking at the lot front may be counted toward all or part of the parking requirement of a dwelling unit.

2.19-8. Location of Detached Garages. Detached garages may only be placed in the established rear or side yard. Garages for more than two cars must be detached and located in the established rear yard or be attached to the dwelling and side or rear loading. Detached garages in the side yard must be set back at least 6 feet behind the front plane of the principal residential use.

2.19-9. Previously Approved Lots Exempt. Lots in subdivisions approved prior to the effective date of this ordinance, are exempt from the limitations of -1 through -2, above.

2.19-10. Storage of Vehicles on Street. Vehicles shall not be parked on the street for extended periods such that they appear to be stored on the street. The Planning Director, at his/her discretion, may require removal of vehicles that appear to be stored on the street in the interest of protecting the public safety and welfare.

2.19-11. Parking of Commercial Vehicles. Vehicles used primarily for commercial purposes and with more than two axles are prohibited from parking on streets in residential districts. This shall not be construed as preventing the temporary parking of delivery trucks, moving vans, and similar vehicles which deliver goods or services.

2.19-12. Parking of Unlicensed Vehicles. Provisions for parking unlicensed vehicles in residentially zoned districts shall be as follows:

(A) No more than two (2) motor vehicles that do not have a current, valid license plate and are not fully enclosed in a permanent structure shall be permitted outside on any premises, provided such vehicles are registered to the occupant of the premises or immediate family member of the occupant as the record title of the vehicle.

(B) No unlicensed motor vehicle shall be permitted outside of any premises (i.e., on the street).

(C) Vehicles described in paragraphs (A)and (B) are not permitted to be located within any established setback or any established side yards which abut a street or any required side yards as mandated by these regulations or any street right-of-way. If stored in the rear yard, the vehicle(s) must be a minimum of five (5) feet off the rear property line.

(D) Vehicles described in paragraphs (A) and (B) are not permitted on vacant or undeveloped parcels.

(E) Vehicles described in paragraphs (A) and (B) are not permitted on public streets or public right of way.

2.20 Sidewalks For New Development and Expansion/Improvement of Existing Development

2.20-1 Sidewalks Required. Sidewalks shall be required along new and existing streets fronting the following new development and expansions of and improvements to existing development :

(A) All new commercial development

(B) Expansions to an existing commercial development or use where the gross floor area of the expansion is equal to or greater than 50% of the gross floor area of the pre-expansion development or use.

(C) Improvements to an existing commercial development or use when the cost of the improvement is equal to or greater than 50% of the value of the existing development (building) or use as determined by the Guilford County Tax Office.

(D) All residential development with two (2) or more residential units.

(E) One single family home on a single lot when the lot being developed is adjacent to a lot on which an existing sidewalk is located and the construction of a sidewalk on the lot being developed would be a logical extension of the pedestrian network.

2.20-2 Sidewalks Along New Streets. Sidewalks shall be required along both sides of new streets, except streets in the Agricultural (AG) District, where sidewalks are required only on one side of the new street.

2.20-3 Sidewalks Along Alleys. Sidewalks shall not be required along alleys.

2.20-4 Standards for Sidewalks. Sidewalks shall comply with the design and construction standards set forth in the Town of Jamestown Standards and Specifications Manual.

2.21 Green Building Incentives

2.21-1 Purpose. In order to promote sustainable development practices, the Town of Jamestown may grant in all zoning districts, in addition to any other density bonus, an additional density bonus of up to 20% for residential developments and/or up to a 10% increase in the maximum footprint allowed for non-residential uses that meet or exceed NC Healthy Built Homes, LEED, or Energy Star performance qualifications.

2.21-2 Certification. Evidence of the developer's/applicant's commitment to comply with sustainable performance qualifications shall be provided to the Town of Jamestown prior to plan approval. (Evidence may consist of architectural plans, specifications, etc.) Compliance with such qualifications shall be certified by an independent third party and no final CO and/or certificate of completion shall be issued for the project until compliance with the qualifications has been certified by an independent third party. Should the developer/applicant not comply with the approved plans, the Town of Jamestown shall have the authority to revoke any building permits, stop work, hold certificates of occupancy, or any other method available to it under Article 23, Administration and Enforcement, for addressing violations of this Ordinance.

2.22 Utility Standards

2.22-1 Underground Installation. In order to promote a more aesthetically pleasing landscape, minimize hazards and outages from falling power lines, and to facilitate passage on streets and sidewalks; the Town of Jamestown will require newly developed properties and those properties with redevelopment or improvements exceeding 50% of the tax value (per Guilford County tax records) of the property to install utility (including but not limited to electric transmission lines, phone, and cable) lines underground. In the event that the underground installation of such lines is determined to be unfeasible due to site conditions (cost shall NOT be a factor), then the applicant may appeal to the Technical Review Committee (TRC) in writing stating why they should be exempted from this requirement. TRC shall then hold the applicant to an "equal or better" performance standard and may grant a minor modification to allow alternatives to underground installation.

2.22-2 Street Lighting. In order to promote a more aesthetically pleasing landscape and to provide for the safety of the Town's citizens; the Town of Jamestown shall require newly developed properties and those properties with redevelopment or improvements exceeding 50% of the tax value of the property to install street lighting along any public or private street. Such street lighting may be decorative in nature, but shall be "full cut-off" unless approved by the Public Services Director. All fixtures must be approved by the Public Services Director prior to installation. Exceptions may be approved by TRC, as in 2.22-1.

ARTICLE 3
DEFINITIONS

The following terms shall have the meaning ascribed to them below:

ABANDONED. Not occupied or in use for 60 or more consecutive days.

ACCESSORY BUILDING. A detached subordinate building, the use of which is incidental to that of the principal building and located on the same lot.

ACCESSORY DWELLING UNIT. A dwelling that exists either as part of a principal dwelling or as an accessory building that is secondary and incidental to the use of the property as single family residential.

ACCESSORY USE. A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

ACTIVE RECREATIONAL ELEMENTS. Parks, playgrounds, athletic fields, basketball or tennis courts, swimming pools, clubhouses, covered decks or pavilions, constructed picnic facilities.

ADAPTIVE REUSE. The conversion of an existing building built for one use to another use, typically to address some aspect of physical or functional obsolescence.

ADDITION (TO AN EXISTING BUILDING). An extension or increase in the floor area or height of a building or structure.

ADULT ESTABLISHMENT. The definition of "adult establishment" for purposes of this ordinance shall be consistent with Chapter 14, Article 26A of the N.C. General Statutes as currently written or hereafter amended. Adult establishments include adult bookstores, adult motion picture and mini motion picture theaters, adult video sales and rentals, adult live entertainment business and massage businesses as those terms are defined by G.S.14.202.10, and adult motels and adult cabarets. "Adult motel" is defined as a hotel, motel or similar commercial establishment that: (a) offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities," or "specified anatomical areas" as one of its principal business purposes; or (b) offers a sleeping room for rent for a period of time that is less than ten hours; or (c) allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten hours. "Adult Cabaret" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes: (a) persons who appear nude or semi-nude, or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or (c) films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified anatomical areas."

AGRICULTURAL USE. The use of land for agricultural purposes, including farming, dairying, stock watering, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for storing the products. The term shall include incidental retail sales by the producer of products raised on the farm. Agriculture does include forest management and timber harvesting activities, provided a management plan for that activity has been prepared by a Professional Forester registered in the State of North Carolina. See definition of Forest Land.

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

ALONG DRAINAGE. The area parallel to and within fifty (50) feet of the drainage channel.

ALTERATION. Any change, addition, relocation, replacement, or other physical modification to a sign or sign structure other than routine maintenance or change of copy not requiring the replacement of any part of the sign face.

ANIMAL UNIT. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

APPEAL, FLOODPLAIN. A request for a review of the floodplain administrator's interpretation of any provision of this ordinance. (This definition applies to flood hazard regulations.)

APPEAL, ZONING. A request for a review of the Planning Director's interpretation of any provision of this land development ordinance.

APPRAISED VALUE. The value assigned to a structure by the Guilford County Tax Assessor or by an MAI-certified real estate appraiser.

AREA OF SHALLOW FLOODING. A designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. "Area of Special Flood Hazard" see "Special Flood Hazard Area (SFHA)". (This definition applies to flood hazard regulations.)

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

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

AUTO WRECKING. An activity that provides open storage, disassembling, or salvaging for more than two junked motor vehicles.

AUTOMOBILE REPAIR SERVICES, MAJOR. An establishment primarily engaged in one or more of the following activities: 1) general repair or service, 2) engine repair, 3) installation or repair of transmissions, 4) installation or repair of automotive glass, 5) installation or repair or exhaust systems, 6) repair of tops, bodies and interiors, and 7) automotive painting and refinishing.

AUTOMOTIVE REPAIR SERVICES, MINOR. An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups, 2) installation or repair of air conditioners, brakes, carburetors, electrical systems, fuel systems, generators and starters, and
radiators, 3) lubricating service, and 4) front end and wheel alignment.

AWNING. A cloth, plastic, or other nonstructural covering permanently attached to a building that may be raised or retracted to a position against the building when not in use.

BALLOON, ACCENT. A small balloon (or group of small balloons) displayed at heights of less than eight feet.

BALLOON, TETHERED. A large balloon (or group of balloons of any size) intended for commercial promotion and tethered at a business location.

BAR. An establishment primarily engaged in the retail sale of beer or wine for consumption on the premises. Such establishment must obtain a ABC license for on-premise beer or wine consumption only. The establishment may also be engaged in the retail sale of prepared food for on-premise consumption.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides. (This definition applies only with respect to flood hazard regulations.)

BASE FLOOD ELEVATION. The elevation to which structures and uses regulated by this Ordinance are required to be elevated or flood proofed. The determination of the water surface elevations of the base flood is published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year (100.year flood).

BED-AND-BREAKFAST INN. A private residence that offers sleeping accommodations to lodgers in eight (8) or fewer rooms for rent, is the innkeeper’s (owner or operator) principal residence while renting rooms to lodgers, and serves breakfasts at no extra cost

to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed-and-breakfast inn for fewer than seven (7) consecutive days.

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

BEST MANAGEMENT PRACTICES. Conservation practices or systems of practices and management measures that: (a) control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment; (b) minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of surface water bodies and wetlands; and (c) properly manage use and storage of fertilizers/pesticides. May use a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

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

BLOCKFACE. That portion of a block or tract of land facing the same side of a single street and lying between the closest intersecting streets.

BOARD OF ADJUSTMENT. A quasi-judicial body, appointed by the Town Council, which is given certain powers under this Ordinance. For the purposes of this ordinance, any reference to the Board of Adjustment shall be considered synonymous with the Planning Board, as the Planning Board shall serve as the Board of Adjustment when required.

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

BOOKSTORE, ADULT. A bookstore: 1) which receives a majority of its gross income during any calendar year from the sale of publications (including books, magazines and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area, or 2) having a preponderance of its publications, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

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

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

BREWPUB. A restaurant that prepares handcrafted natural beer as an accessory use intended for consumption on the premises.

BUFFER. An area of land planted or constructed to separate uses. Also, an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured from the normal pool elevation of impounded structures and from the top of bank of each side of streams or river.

BUFFER EASEMENT. An easement intended to permanently maintain an area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

BUFFER ZONE. The strip of land adjacent to a lake or natural watercourse, the width of which is measured from the edge of the water to the nearest edge of the disturbed area, with the 25% percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible siltation.

BUILDABLE OR ZONING LOT. One or more lots of record in one undivided ownership with
sufficient total area, sufficient area exclusive of easement, flood hazards, well and septic tank fields, total dimensions, and street access to permit construction thereon of a principal building together with its required parking and planting yards.

BUILDING. Any structure having a roof supported by walls or columns constructed or used for
residence, business, industry or other public or private purposes. Also see STRUCTURE.

BUILDING LINE. A line perpendicular to the lot depth which establishes the horizontal distance
between the structure and the front property line excluding the outermost steps, uncovered porches, gutters, and similar fixtures.

BUILDING SEPARATION. The minimum required horizontal distance between buildings.

BUILD TO LINE. An alignment establishing a specific distance from the curb line to where the principal structure shall be built.

BUILT-UPON AREA. That portion of a development project that is covered by impervious or partially impervious cover to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil including buildings, pavement, recreation facilities (e.g., tennis courts), etc. (Note: Slatted decks and the water area of a swimming pool are not considered built-upon area.)

CALIPER INCHES. Quantity in inches of the diameter of trees measured at the height of six (6)
inches above the ground for trees four (4) inches in trunk diameter and twelve (12) inches above the ground for trees over four (4) inches in trunk diameter.

CANOPY. A permanent, unattached roofed structure that shelters a use or activity from the weather.

CERTIFICATE OF COMPLIANCE/OCCUPANCY. A statement, signed by the Enforcement
Officer, setting forth either that a building or structure complies with the provisions of this Ordinance, or that building, structure, or parcel of land may lawfully be employed for specified uses, or both.

CHANNEL LETTERING. A sign design technique involving the installation of three-dimensional lettering against a background, typically a sign face or building façade.

Example of Channel Lettering

CHANNELIZATION. Any improvements or other construction activity which occurs within or in the vicinity of an existing natural drainageway or perennial stream which directs or relocates said waterway along some desired course, by increasing its depth or by the use of piping or any other manmade storm drainage structures.

CHEMICAL STORAGE FACILITY. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

CHICANE. An artificial feature creating extra turns in a roadway, used on Town streets to slow the speed of traffic, by creating a horizontal deflection causing vehicles to slow as they would for a curve.

CLUSTER DEVELOPMENT. A development design technique that concentrates buildings on a portion of the site to allow the remaining land to be used for recreation, open space, or preservation of environmentally-sensitive land areas. Buildings are

grouped together in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family subdivisions and multi-family developments that may or may not involve the subdivision of land.

COLLECTOR STREET PLAN. A plan, adopted by the local governing body, for streets not shown on the Thoroughfare Plan and showing collector and, if appropriate, lower classification streets in the planning area.

COMMON AREA(S). All areas, including private streets, conveyed to an owners' association within a development or owned on a proportional undivided basis in a condominium development.

COMMON OPEN SPACE. Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i. e. a homeowners association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development. Common open space shall be preserved by either a conservation easement or deed of restriction.

COMPLETED. Work has progressed to the point that, in the opinion of the Planning Director, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For permanent runoff control structures this generally means that the following have been accomplished: (1) The dam has been constructed to the approved lines and grades; (2) all slopes have been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover;(3) principal and emergency spillways have been installed at the approved elevations and dimensions; and (4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

COMPOSTING FACILITY. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations are deposited.

CONDOMINIUM. Real Estate that is developed pursuant to the North Carolina Condominium Act, North Carolina General Statute Chapter 47C.

CONGREGATE CARE FACILITY. A facility providing shelter and services for ambulatory
individuals at least fifty-five (55) years of age who by reason of their age, functional impairment, or infirmity may require meals housekeeping and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

CONSERVATION EASEMENT. A non-possessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, recreational, or open space use, protecting natural resources,

maintaining or enhancing air or water quality, or preserving historical, architectural, archaeological, or cultural aspects of real property.

CONSERVATION SUBDIVISION. A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space.

COTTAGE DEVELOPMENT. A cluster of small detached single family residences constructed to specific design standards and arranged around common open space, generally at higher density than the underlying zoning would allow for traditional detached single family residential development.

COTTAGE HOME. A small detached single family residence constructed to specific design standards and arranged around common open space as part of a cottage development.

COUNTY. Refers to Guilford County, North Carolina.

CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Since WS-I watersheds are essentially undeveloped, establishment of a critical area in not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

CRITICAL ROOT ZONE. The rooting area of a tree established to limit root disturbance, generally defined as a circle with a radius extending from a tree's trunk to the furthest point of the crown dripline.

CUL.DE.SAC. A short local street having one end open to traffic and the other end permanently
terminated by a vehicular turnaround.

CURB BULB. An extension of the curb into the street, beyond the standard edge of the curb, which narrows the width of the roadway and is used to slow the speed of traffic on Town streets. The curb bulb may be used for landscaping, pedestrian crosswalk, or for a combination of uses. Sometimes referred to as a “bulb out”.

DAY CARE CENTER. A facility licensed by the State of North Carolina for the care of children or adults for periods of less than 24 hours per day.

DENSITY CREDIT. An increase in the density allowed under a zoning district. The rules governing the issuance of density bonuses vary by zoning district.

DENSITY, HIGH. A density option for development where the density exeeds the applicable limit for development under the low density option.
DENSITY, LOW. A density option for new development wherein the density, measured in dwelling units per acre for single-family detached residential development and in percentage of the land surface covered by built-upon area for all other residential and nonresidential development, does not exceed the applicable limit in Table 19-20.5 or Table 19-20.9.

DETENTION POND. A wet or dry stormwater holding area, either natural or manmade, which filters and releases stormwater to nearby or adjoining water bodies in a gradual fashion. Also see definition of Best Management Practices.

DEVELOPER. A person engaging in development.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.

DEVELOPMENT. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil. (This definition applies to the Watershed Standards in Article 19)

DEVELOPMENT AGREEMENT. An agreement between the Town of Jamestown and a developer pursuant to NCGS 160A.400.20 for a large-scale development with a lengthy build-out period and having a public-private partnership component involving mutual financial interests.

DEVELOPMENT, DENSITY OF. The density of development shall be determined using a gross acreage system. The total area of the tract, including areas to be used for new streets, rights-of-way, drives, parking, structures, recreation areas, dedicated areas, and required setbacks shall be used for density calculations.

DISCHARGING LANDFILL. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

DISPOSAL. As defined in NCGS 130A.290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DISPOSAL (OF HAZARDOUS OR TOXIC SUBSTANCE(S)). The destruction, discharge, deposit, injection, dumping, spilling, leaking, or placing of any hazardous

waste or toxic substance into or on any air, land, or water.

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

DIVERTER. A constructed feature designed to prevent left turns or through movements into a residential area, used as method to calm traffic on Town streets.

DOMESTIC WASTEWATER DISCHARGE. The discharge of sewage, nonprocess industrial wastewater, other domestic wastewater, or any combination of these items. It includes liquid waste generated by domestic water-using fixtures and appliances from any residence, place of business, or place of public assembly even if it contains no sewage. Examples of domestic wastewater include once-through noncontact cooling water, seafood packing facility discharges, and wastewater from restaurants.

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

DRAINAGE, ENHANCED. Drainage carried by existing natural drainageways which have been enhanced to resist soil erosion and stream bank degradation. An enhanced natural drainageway is achieved with the installation of an engineered measure (i.e., netting, riprap) which will resist soil erosion and allow infiltration within the natural drainageway.

DRAINAGEWAY. Any natural or manmade channel that carries surface runoff from precipitation.

DRAINAGEWAY AND OPEN SPACE AREA, DEDICATED. The area designated for floodplain and open space purposes on a recorded subdivision plat and thereby dedicated to the public for such purposes and, where approved by the Town, for utilities.

DRAINAGEWAY, IMPROVED. Drainage channeled by impervious surfaces such as curb and gutter or concrete channels.

DRAINAGEWAY, PROTECTED. Drainage channeled by pervious devices such as sod waterways, berms, channels, or swales which have been stabilized with vegetation, rip-rap, or a combination of these, to resist soil erosion.

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

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

DWELLING UNIT. One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided therein. Units in dormitories, hotels, motels, shelters for the homeless or other structures designed for transient residents are not dwelling units.

EASEMENT. A grant of one or more of the property rights, such as right of access, by the property owner to, or for use by the public, a corporation, or other entity. Storage of debris including, but not limited to, yard waste on public easements shall be unlawful and shall be handled in the same manner as nuisance violations.

ELECTRONIC GAMING OPERATION. Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill."

ELEVATED BUILDING. A non-basement building which had its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

ENCHROACHMENT. The advance or infringement of uses, fills, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain. (This definition applies only with respect to flood hazard regulations.)

ENFORCEMENT, COMPLAINT.BASED. Enforcement action initiated on the basis of information provided by a third-party complainant.

ENFORCEMENT OFFICER. The Town Manager or his/her designee.

ENFORCEMENT, PROACTIVE. Enforcement action initiated at the discretion of the Planning Director independent of any third-party complaint.

EQUESTRIAN USE. Paddocks, fields, stables, barns, riding ring, and other facilities provided for use by or for horses.

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

EROSION, ACCELERATED. Any increase over the rate of natural (i.e. undisturbed by human

intervention) erosion as a result of land-disturbing activities.

EXISTING dEVELOPMENT. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning based on at least one (1) of the following criteria:

a. Substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or

b. Having a valid outstanding building permit; or

c. Having an approved site specific or phased development plan in compliance with North Carolina General Statutes 153A-344.1 or North Carolina General Statutes 385.1 Regulations. (This definition applies only with respect to watershed protection regulations.)

EXISTING LOT (LOT OF RECORD). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this Ordinance,(if located in the Randleman Lake Watershed) or a lot described by metes and bounds, the description of which has been so recorded prior to October 1, 1993.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of this Ordinance.

FAMILY. One or more persons occupying a dwelling unit and living as a single household.

FAMILY CARE HOME. A home meeting the North Carolina Residential Building Code with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for six or fewer resident handicapped persons, pursuant to NCGS 168.21.

FEDERAL LAW REFERENCE. National pollutant discharge elimination system permits (applies to watershed standards only)

FENCE. A physical barrier or enclosure consisting of wood, stone, brick, block, wire, metal or similar material used as a boundary or means of protection or confinement, but not including a hedge or other vegetation.

FIXTURE, FULL CUT.OFF. An outdoor light fixture shielded in such a manner that all light emitted by the fixture, either directly from the lamp or indirectly from the fixture, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer.

FIXTURE, PARTIAL CUT.OFF. An outdoor light fixture shielded in such a manner that more than zero (0) but less than ten (10) percent of the light emitted directly from the lamp or indirectly from the fixture is projected at angles above the horizontal plane, as determined by photometric test or certified by the manufacturer.

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

FLOOD INSURANCE. The insurance coverage provided under the National Flood Insurance
Program.

FLOODPLAIN ADMINISTRATOR. The individual appointed to administer and enforce the
floodplain management regulations.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purposed ordinances, and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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

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

FLOOD PLAIN. The relatively flat area or low land adjacent to the channel of a river, stream, or watercourse, lake, or other body of standing water, which has been or may be covered by flood water and which is susceptible to being inundated by water from any source.

FLOOD PRONE AREA. See “Floodplain”

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

FLOODWAY FRINGE. The land area located between the floodway and maximum elevation subject to inundation by the base flood as defined in these Definitions.

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

FLOOD ZONE . A geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate map that reflects the severity or type of flooding in the area.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles or any space where the floor-to-ceiling height is less than six feet. Additionally, gross floor area includes areas covered by canopies and like structures under which an active use is occurring such as drive-through service, gasoline pumping, loading and/or storage of materials, and similar activities.

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

FOREST LAND. Land that is a part of a forest unit that is actively engaged in the commercial growing of trees under a sound management program. Forestland includes wasteland that is a part of the forest unit, but the wasteland included in the unit must be appraised under the use-value schedules as wasteland. A forest unit may consist of more than one tract of forestland, but at least one of the tracts must meet the requirements in G.S. 105-277.3(a)(3), and each tract must be under a sound management program.

FREEBOARD. The height added to the Base Flood Elevation (BFE) to account for the many
unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the “Regulatory Flood Protection Elevation”.

FULLY SHIELDED LIGHTING FIXTURE. A light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly

from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities. This definition applies only to the Flood Damage Prevention standards.

GATED COMMUNITY. A subdivision, neighborhood, or residential development to which entry is restricted to residents and their guests. Often includes barriers such as gates, security personnel, fences and/or walls.

GIFT SHOP. A retail space in which miscellaneous articles that are appropriate as gifts are sold.

GRADE. A reference plane representing the average of finished ground level adjacent to any
structure.

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

GRADING PLAN. The graphic plan, including narrative where appropriate, required by this
Ordinance as a prerequisite for a grading permit, the purpose of which is to explain existing conditions and proposed grading of land including any development and to describe the activities and measures to be undertaken to control accelerated soil erosion and sedimentation.

GRANDFATHERED. Not affected by a change in this Ordinance absent physical modification or abandonment. Buildings, land uses, and lots or parcels of property that do not meet the standards of this Ordinance but existed prior to the effective date of this Ordinance, and complied with prior ordinances, regulations, and or standards, shall not be affected by this ordinance absent physical modification or abandonment.

GRAND OPENING. A promotional activity not exceeding 30 calendar days used by newly established businesses, within 60 calendar days after initial occupancy, to inform the public of their location and services available to the community.

GRAVEL. “Gravel” means a clean or washed, loose, uniformly-graded aggregate of stones from a lower limit of 0.08 inches to an upper limit of 3.0 inches in size.

GREENWAY. A linear open space along either a natural corridor such as a riverfront, stream valley or ridge line, or along a railroad right-of-way converted to recreational use, a canal, scenic road, or other route managed for public use that has been designated on an officially adopted greenway plan.. Greenways typically link parks, nature preserves, cultural features or historic sites with each other and/or with neighborhoods, schools, and commercial districts.

GROUP CARE FACILITY. A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care or habilitation services in a family environment for not more than 30 people.

HAZARDOUS MATERIAL. Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances (42 USC 9601 et seq.); or section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

HAZARDOUS OR TOXIC SUBSTANCE. Any solid waste as defined in NCGS 130A.290(18), or any substance regulated under the Federal Toxic Substance Control Act of 1976, (PL 94.476), as amended from time to time, which because of its quantity, concentration, or physical chemical or infectious characteristic(s) may: 1.) cause or significantly contribute to an increase in serious irreversible or incapacitating illness, or; 2) pose a substantial present or potential threat to the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

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

HAZARDOUS WASTE MANAGEMENT FACILITY. As defined in NCGS 130, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

HAZARDOUS WASTE TREATMENT FACILITY. A facility established and operated for the recovery, recycling, treatment, storage during collection and prior to treatment, short.term storage after treatment, collection, processing, volume reduction, source separation, or

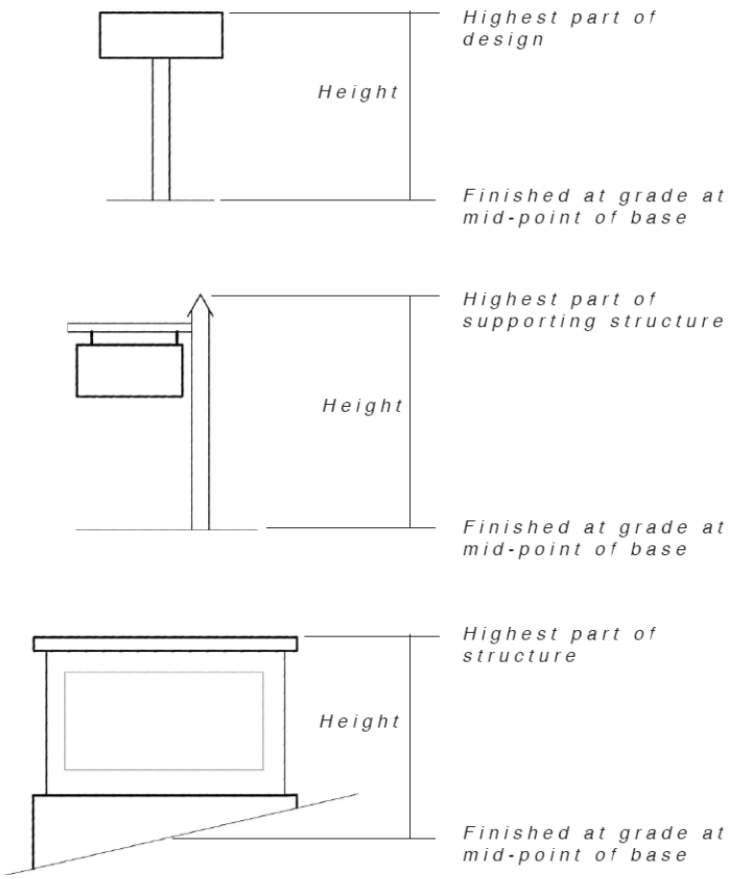
transportation used exclusively in connection with the facility, of hazardous waste; and which includes several of the following equipment or processes: incinerators, rotary kilns, drum handling, washing and crushing facilities, raw waste tank storage, reduction, neutralization, detoxification, wastewater treatment facilities including settling systems, aerobic digester, anaerobic digester, clarifiers, neutralization facilities, solidifying facilities, evaporators, reactions to facilitate recycling, analytical capabilities, and other similar technologies, and processes as may now exist or be developed in the future.

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

HEIGHT, BUILDING. For buildings with flat roofs, the vertical distance from the mean elevation of the finished grade to the highest finished roof surface. For buildings with pitched roofs, the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. . (See definition below for freestanding sign height.)

HEIGHT, FREESTANDING SIGN. The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and finished grade at the midpoint of the base of the sign.

HEIGHT/SIGN



HEIGHT, OTHER STRUCTURE. The vertical distance from the existing grade to the highest point of the structure above such existing grade. For example - with billboards, this measurement shall be used to determine appropriate height of the sign structure in relation to the adjacent road grade of the street the sign is facing. With buildings, this definition shall be interpreted literally.

HOME OCCUPATION. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling or the neighborhood.

ILLICIT CONNECTION. Any unlawful connection which allows the discharge of non-stormwater to the stormwater conveyance system or waters of the state in violation of this ordinance.

ILLICIT DISCHARGE. Any unlawful disposal, placement, emptying, dumping, spillage, leakage, pumping, pouring, emission, or other discharge of any substance other than stormwater into a stormwater conveyance, the water of the state, or upon the land in such proximity to the same, such that the substance is likely to reach a stormwater conveyance or the waters of the state.

IMPACT. The effect of one land use upon another as measured by traffic or noise generation, site activity, hours of operation, site lighting, vibration, smoke or odor emissions, or similar factors.

IMPERVIOUS SURFACE. Improvements including street pavement, driveways, buildings, and other structures which cover the soil surface and prevent infiltration of water into the soil.

IMPERVIOUS SURFACE COVERAGE. That portion of a lot covered by buildings, structures,paving or other impervious surface materials.

INDUSTRIAL DEVELOPMENT**.** Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

INDUSTRIAL DISCHARGE. The discharge of industrial process treated wastewater or wastewater other than sewage and including:

a. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
b. Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
c. Stormwater contaminated with industrial wastewater; and

d. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

INDUSTRY, LIGHT. Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and /or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building. Light industry typically involves land uses operated in such a manner as to control external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

INDUSTRY, HEAVY. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INTEGRATED MULTIPLE USE DEVELOPMENT (IMUD). A development containing three or more stores, service establishments, offices, or other permitted uses planned, organized, and managed to function as a unified whole and featuring all of the following: 1) common driveways, 2) common parking, 3) common signage plan, and 4) common landscaping plan. Examples are shopping centers and office parks having the characteristics listed above. Such integrated developments may include outparcels for lease or for sale. Any such integrated development may be organized as a condominium or in a manner analogous to that of a townhouse development (with ownership parcels beneath the building units and with parking and driveways being in common elements owned and maintained by an Owners' Association).

JUNK/SALVAGE YARD. Any land or area used, in whole or in part, for the storage, keeping, or accumulation of material, including scrap metals, waste paper, rags, or other scrap materials, or used building materials, for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

JUNKED AUTOMOBILE . See MOTOR VEHICLE, JUNKED

LAND.DISTURBING ACTIVITY. Any use of land in residential, industrial, educational, institutional, or commercial development, highway or road construction or maintenance, that results in a change in natural cover or topography that causes or contributes to sedimentation.

LANDFILL. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of these watershed provisions, this term does not include composting facilities.

LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MAJOR). A disposal site other than minor demolition and construction debris landfill as defined in this ordinance for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth.

Disposal of any other types of wastes must be approved by the State Division of Health Services.

LANDFILL, DEMOLITION AND CONSTRUCTION DEBRIS (MINOR). A disposal site for stumps, limbs, leaves, concrete, brick, wood and uncontaminated earth which is less than three acres in size and is in operation for less than one year.

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

LIGHTING, ACCENT. Lighting intended to accentuate an architectural feature such as a window, roofline, or other vertical or horizontal element and consisting of small, non.flashing white lights.

LOT. A portion of a subdivision or any other parcel of land intended as a unit for transfer of ownership or for development or both. The word "lot" includes "plot", "parcel," or "tract."

LOT, CORNER. A lot abutting two or more streets at their intersection.

LOT, DEPTH. The distance measured along the perpendicular bisector of the smallest possible rectangle enclosing the lot.

LOT OF RECORD. A lot, plot, parcel or tract recorded in the Office of the Register of Deeds in conformance with the ordinance(s) in effect at the time of recordation.

LOT, REVERSE FRONTAGE. A through lot which is not accessible from one of the parallel or nonintersecting streets upon which it fronts.

LOT, THROUGH. A lot abutting two streets that do not intersect at the corner of the lot.

LOT WIDTH. The mean width measured at right angles to its depth at the building front setback line.

LOWEST ADJACENT GRADE (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

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

MAINTENANCE (OF A SIGN). Cleaning, painting, repairing, or replacing defective parts in such a manner that does not alter the basic structure of a sign. This definition

includes the changing of the copy or listings on a changeable copy, civic event, sandwich board, or directory sign and the replacement of sign copy with other sign copy of the same or smaller size on other permitted signs.

MAJOR WATERSHED VARIANCE. A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor greater than five (5) percent of any buffer, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than 10 percent of any management requirement under the low density option.

MANUFACTURED HOME. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body 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 permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semi-permanent foundation having a measurement of over 32 feet in length and over eight feet in width. The term “manufactured home” does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION. A site with required improvements and utilities for the long-term placement of manufactured homes which may include services and facilities for the residents.

MARKET VALUE. The building value, not including the land value, and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

MEAN SEA LEVEL. For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as correct in 1929, the North American Vertical Datum (NAVD) as correct in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

MINOR WATERSHED VARIANCE. A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of up to five percent of any buffer, density or built-upon area requirements under the high density option; or relaxation by a factor of 10 percent of any management requirement under the low

density option.

MIXED DEVELOPMENT. A mixture of residential and permitted office and/or commercial uses.

MIXED USE DEVELOPMENT. The combination of complementary land uses in an integrated fashion through the development of a tract of land, building or structure.

MODULAR HOUSING. A dwelling constructed in accordance with the standards set forth in the N.C. State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MOTOR VEHICLE, JUNKED. A motor vehicle that does not display a current license plate and is one or more of the following: 1) is partially dismantled of wrecked; or 2) cannot be self-propelled or moved in the manner in which it originally was intended to move; or 3) is more than five years old and appears to be worth less than one hundred dollars ($100.00.

MULTIFAMILY DWELLING. A building or portion thereof used or designed as a residence for three or more families living independently of each other with separate housekeeping and cooking facilities for each, and includes apartment, townhouses and condominiums.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4). A stormwater conveyance or unified stormwater conveyance system (including without limitation: roads with drainage systems, municipal streets, catch basins, stormwater detention facilities, curbs, gutters, ditches, natural or man-made channels, or storm drains), that:

1) Are located within the corporate limits of the Town of Jamestown, North Carolina or in the extraterritorial jurisdiction (ETJ) of the Town of Jamestown, North Carolina.
2) Is owned or operated by the state, county, the Town, or other public body; and
3) Discharges to waters of the state, excluding publicly owned treatment works, and lawful connections thereto, which in turn discharge into the waters of the state.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM. A permitting system established pursuant to 402 of the Clean Water Act.

NECKDOWN. Constructed features designed and placed to narrow the width of traffic lanes in order to slow the speed of traffic on Town streets. Curb bulbs and chicanes may be used for this purpose.

NEIGHBORHOOD. An area of the Town with characteristics which distinguish it from others including distinct economic bases, housing types, schools, development styles or patterns, or boundaries defined by distinct physical barriers such as railroads, arterial

streets, rivers, or major water bodies.

NEIGHBORHOOD PLAN. The plan officially adopted by the Jamestown Town Council for a particular neighborhood or district that provides specific design standards and guidelines regulating the development and use of the property.

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures. (This definition applies only with respect to flood hazard regulations.)

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

NONCONFORMING USE. Any nonconformity involving the use of the property. This may include, without limitation, nonconformities associated with a use not permitted in the zoning district in which it is located or a use conditionally allowed in the zoning districts in which it is located but for which no conditional use permit has been obtained.

NONCONFORMITY, DIMENSIONAL. Any nonconformity involving a dimensional or numerical development requirement except those involving signs which are addressed in Article 17. Dimensional nonconformities may include, without limitation, nonconformities associated with density, landscaping, buffering, lot size, lot width, lot depth, setbacks, height, structure size standards, impervious surface standards, open space, number of parking spaces, or separation requirements between particular uses or zoning districts.

NONCONFORMITY, LAWFUL. Any nonconformity involving a dimensional or numerical requirement or use of property that affects a structure erected or a lot created in conformity with the then-applicable development requirements of the city, but subsequently made nonconforming by action of the city through a zoning map or unified development code amendment.

NON.ENCROACHMENT AREA. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

NONPROCESS DISCHARGE. Industrial effluent not directly resulting from the manufacturing process. An example is noncontact cooling water from a compressor.

NURSING HOME. An establishment which provides full-time convalescent or chronic care, or both, who are not related by blood or marriage to the operator or who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

OCCUPANCY. A separately leased or owned area within a building having ground level frontage on a right-of-way or parking facility.

OFF.PREMISES. Not located on the property to which it pertains.

OFFICE.WAREHOUSE. A land use that includes offices that support showroom or warehouse uses.

ON.PREMISES. Located on the property to which it pertains.

OPA. An Otherwise Protected Area.

OPEN SPACE. Any publicly dedicated or privately owned area of land or water that is permanently preserved and maintained. Such an area may be predominately in a natural condition or modified for uses such as recreation, education, aesthetics, cultural or natural resource management or public health and safety.

PASSIVE RECREATION ELEMENT. Trials, open space, uncovered picnic areas, and similar facilities provided for recreational use.

PERENNIAL AND INTERMITTANT STREAMS. Those streams (and rivers), with associated lakes and ponds as indicated on the following:

a. On the most recent version of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographical map;

b. On the most recent version of the Soil Survey of Davidson County, Forsyth County, Guilford County, or Randolph County developed by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (formerly the USDA Soil Conservation Service); or

c. By other site-specific evidence that indicates to the North Carolina Division of Water Quality (DWQ) the presence of such waters not shown on either of these two (2) maps or evidence that no actual stream or waterbody exists.

PLAN, SKETCH. A rough sketch map of a proposed subdivision or site showing streets, lots, and any other information required by the Town of sufficient accuracy used for discussion of the street system and the proposed development pattern.

PLANNED COMMUNITY. Real estate with respect to which any person, by virtue of that person's ownership of a lot, is expressly obligated by a declaration to pay real property taxes, insurance premiums, or other expenses to maintain, improve, or benefit other lots or other real estate described in the declaration. For purposes of this act, neither a cooperative nor a condominium is a planned community, but real estate comprising a condominium or cooperative may be part of a planned community. "Ownership of a lot" does not include holding a leasehold interest of less than 20 years in a lot, including renewal options.

PLANNED UNIT DEVELOPMENT. An area of land under unified ownership or control

to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this Ordinance.

PLANNING DIRECTOR. The Town of Jamestown official charged with administering, interpreting, and enforcing the Land Development Ordinance, including the sign regulations, or his/her designee.

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

PLAT, FINAL. The final map of all or a portion of a subdivision or site plan, showing the boundaries and location of lots, streets, easements and other requirements of the Town, which is presented for approval by the Town Council and subsequent recording in the Guilford County Register of Deeds Office.

PLAT, PRELIMINARY. A map indicating the proposed layout of the subdivision or site showing lots, streets, water, sewer, storm drainage and any other requirements of the Town, which is presented for preliminary approval.

POLLUTION. Man-made or man induced alteration of the chemical, physical, biological, thermal, and/or radiological integrity of water.

PORTABLE STORAGE UNIT (POD). A transportable unit designed and used for the temporary storage of household goods, personal items and other materials which is placed on a site of the use of occupants of a dwelling or building on a limited basis. Such containers are uniquely designed for their east of loading to and from a transport vehicle.

POST-FIRM. Construction or other development for which the “start of construction” occurred on or after the effective date of the initial Flood Insurance Rage Map for the area.

PRE-FIRM. Construction or other development for which the “start of construction” occurred before the effective date of the initial Flood Insurance Rate map for the area.

PRINCIPALLY ABOVE GROUND. That at least 51% of the actual cash value of the structure is above ground.

PRINCIPAL STRUCTURE. A structure (or structures) in which the principal use of the lot or property is conducted.

PRINCIPAL USE. The primary use of any lot or property.

PROFESSIONAL OFFICE. The office of a member of a recognized profession maintained for the conduct of that profession, including, but not limited to, the offices of doctors, lawyers, dentists, landscape architects, architects, stockbrokers and financial analysts, chiropractors, engineers, surveyors, or city planners.

PROTECTED DRAINAGEWAY (CHANNEL). Where drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, riprapping, or a combination of those, and which allows infiltration of water into the soil.

PUBLIC OPEN SPACE. Open space that is accessible to the general public and maintained by the Town.

PUBLIC SAFETY and/or NUISANCE. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin. (This definition applies only to flood hazard regulations.)

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty vehicle, and designed primarily for use not as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RECREATIONAL VEHICLE PARK. Any site or tract of land, of contiguous ownership, upon which 15 or more recreational vehicles or tent spaces are provided for occupancy according to the requirements set forth in this ordinance.

REFERENCE LEVEL. T he top of the lowest floor for structures within Special Flood Hazard Areas designated as Zone A1.A30, AE, A, or A99.

REGULATORY FLOOD PROTECTION ELEVATION. The “Base Flood Elevation” plus the “Freeboard”. In “Special Flood hazard Areas” where Base flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In “Special Flood Hazard Areas” where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.

REGULATING PLAN. A master development plan for a site, parcel, or property, meeting the standards of the Town of Jamestown and identifying building, parking, and landscape locations, open spaces, trails, other amenities, and other features as required by the Town. Upon its approval by the Jamestown Town Council, the plan becomes the guide for the development of the property and all development activity on the property must comply with the plan.

REMEDY A VIOLATION. To bring the structure or other development into compliance with State and community floodplains management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure of other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar

violations, or reducing Federal financial exposure with regard to the structure or other development. (This definition applies only with respect to flood hazard regulations.)

RENOVATION. The repairing or remodeling of a structure in which the exterior walls, foundation and roof are maintained structurally intact.

REQUIRED DRAINAGE CHANNEL. The theoretical stream bed section which is required to carry and discharge the runoff from a 100-year storm.

RESEARCH AND TECHNOLOGY PRODUCTION USES. Uses such as medical, optical and scientific research facilities, software production and development, clinics and laboratories, pharmaceutical compounding and photographic processing facilities, and facilities for the assembly of electronic components, optical equipment, and precision instruments.

RESIDENTIAL DEVELOPMENT. Buildings for use as residences such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

RETENTION POND. A wet or dry stormwater holding area, either natural or manmade, which has a permanent pool and does not release stormwater to nearby or adjoining water bodies. Also see Best Management Practices definition

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

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

RUNOFF DETENTION EQUAL TO MINIMUM REQUIREMENTS. Velocity control of runoff.

SALVAGE YARD. Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

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

SALVAGE YARD, SCRAP PROCESSING. Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or part, for the storage, keeping, accumulation of scrap or waste materials, including scrap metals, waste paper, rags, building materials, machinery, or other scrap

materials.

SCENIC CORRIDOR. An area providing scenic vistas visible from a highway or roadway that is designated by the Town of Jamestown as having special importance to the character of the Town and meriting special protection and preservation measures as a consequence..

SEARCHLIGHT. A device that emits an upwardly-directed beam of light to attract commercial attention.

SEDIMENT. Solid particulate matter, both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

SEDIMENTATION. The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse.

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

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

SETBACK, SIDE. Any interior property line setback other than a rear setback.

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

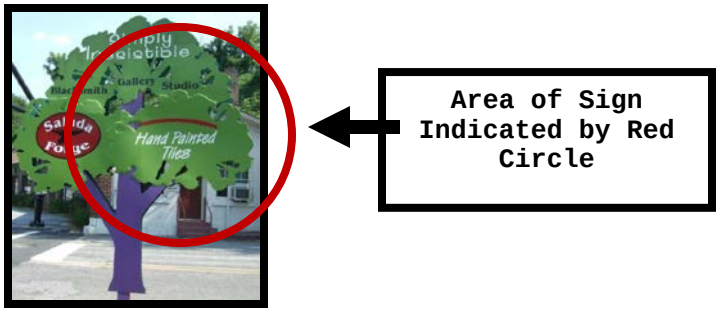
SETBACK, ZERO SIDE. An alternate form of dimensional requirements that allows a dwelling unit to have one side setback of zero feet from a side property line. This definition does not include townhouses.

SHEAR WALL. Walls used for structural support but not structurally joined or enclosed at the end (except by breakaway walls). Shear walls are parallel or nearly parallel to the flow of the water.

SIGN. A communications medium, method, device, structure, or fixture that incorporates motion, lighting, graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction to or identification of a neighborhood, premises, event or facility.

SIGN ALTERATION. Any change to the size, shape, illumination, position, location, or construction of a sign or the supporting structure of a sign.

SIGN AREA. The size of a sign in square feet as computed by the area of not more than two standard geometric shapes (specifically, circles, squares, rectangles, or triangles) that encompass the shape of the sign exclusive of the supporting structure.



Example Illustrating Measurement of the Area of an Irregularly.Shaped Sign

SIGN COPY. Any graphic design, letter, numeral, symbol, figure, device or other media used separately or in combination that is intended to advertise, identify or notify, including the panel or background on which such media is placed.

SIGN FACE. The side or sides of a sign on which a message is placed.

SIGN ILLUMINATION, TYPES OF.

- AMBIENT. Illumination of a sign by light from the sign's general surroundings, such as daylight or nearby street lights.
- EXTERNAL. Illumination of a sign by a source of light located exterior to the sign, such as a floodlight.
- INTERNAL. Illumination of a sign by a source of light contained within the sign itself.

SIGN, NONCONFORMING. A sign that does not conform to one or more requirements of Article 17.

SIGN TYPES.

- SIGN, AWNING. A sign incorporated into or attached to an awning.
- SIGN, BLADE (OR PROJECTING). A sign attached to and projecting from the building façade, typically at right angles to the building.
- SIGN, CANOPY. A sign incorporated into or attached to a canopy.
- SIGN, CHANGEABLE COPY. A sign or portion thereof designed to accommodate frequent copy changes through manual, mechanical or digital means.

- SIGN, CIVIC EVENT. A temporary sign posted to advertise a civic event sponsored by a public agency, school, church, civic-fraternal organization, or similar noncommercial organization.

- SIGN, DIRECTIONAL. An on-premises sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians entering, exiting, or on a site, including signs marking entrances and exits, parking areas, loading zones, or circulation patterns.

- SIGN, DIRECTORY. A sign listing the names, uses, or locations of the discrete uses or activities conducted within a building or group of buildings that is intended to provide on.site directions.

- SIGN, EXEMPT. A sign identified in Article 17, section 6 that is exempt from the requirements of this ordinance, either conditionally or unconditionally.

- SIGN, FLAT (OR WALL). A sign attached directly to and generally parallel with the façade of a building.

- SIGN, INCIDENTAL. A sign, generally informational, whose purpose is secondary to the use of the premises on which it is located, such as the date of building erection, the building address, the hours of operation, the open or closed status of the operation, the credit cards honored, and similar incidental information, and containing no commercial message.

- SIGN, MACHINE. A sign attached to a machine such as a gasoline pump, a drive-through menu kiosk, a soft drink dispensing machine, or an ATM.

- SIGN, MODEL HOME. An on-premises sign advertising a home model of a type that is available for sale in a subdivision.

- SIGN, MONUMENT (OR GROUND). A freestanding sign supported by a structure that is at least as wide as the sign to which it is attached.

- SIGN, OPEN HOUSE. A temporary off-premises or on-premises sign displaying information about a real estate sales event happening at a property offered for sale.

- SIGN, OUTDOOR ADVERTISING (OR BILLBOARD). A type of off-premises sign that contains a commercial message.

- SIGN, PERMANENT. A sign intended or designed for permanent display and permitted as such.

- SIGN, POLE. A freestanding sign supported by a structure consisting of not more than two poles.

- SIGN, SANDWICH BOARD (OR A-FRAME). A temporary freestanding sign designed and displayed to provide information to pedestrians.

- SIGN, SNIPE. A temporary sign not otherwise defined in this Article that is tacked, nailed posted, glazed, or otherwise affixed to a light fixture, utility pole, public building, fence, railing, public telephone pole, traffic control device, or tree or to the ground.

- SIGN, TEMPORARY. A sign not intended or designed for permanent display and permitted as such.

- SIGN, TIME AND TEMPERATURE. A sign that displays time and temperature information as its primary message.

- SIGN, V.TYPE. An attached sign consisting of two separate faces arranged in a "V" pattern and having an angle of 120 degrees or less as measured from the side attached to the building.

- SIGN, WINDOW. A sign attached to a display window or door window that is intended to be viewed from the exterior. This definition shall include signs attached to the interior of a display window or door window.

- SIGN, YARD SALE. A temporary off-premises or on-premises sign advertising a sales event in a residential zoning district.

SILTATION. Sediment resulting from accelerated erosion which is settleable or removable by properly designed, constructed, and maintained control measures; and which has been transported from its point of origin within the site of a land-disturbing activity, and which has been deposited, or is in suspension in water.

SINGLE FAMILY RESIDENTIAL. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

SITE PLAN. A plan, drawn to scale, showing uses and structures proposed for a parcel of land as required by the regulations, such as lot lines, streets, building sites, reserved open space, buildings, major landscape features, both natural and manmade, and the locations of proposed utility lines.

SITE SPECIFIC DEVELOPMENT PLAN. A plan that has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not limited to, any of the following plans or approvals: A subdivision plat, a preliminary or general

development plan, a conditional use permit, a conditional district zoning plan, or any other land-use approval designation as may be utilized by the Town. Such a plan shall include the approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures and other improvements; the approximate dimensions, including height, of the proposed building and other structures; the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways; and any other information required by the Town for the type of plan or approval requested by the landowner. A variance shall not constitute a site specific development plan. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specific parcel or parcels of property may constitute a site specific development plan.

SLUDGE. Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the North Carolina Environmental Management Commission.

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste as defined in NCGS 130A.290(a)(35).

SOLID WASTE DISPOSAL SITE. As defined in NCGS 130A.290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

SPECIAL FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a one (1%) or greater chance of being flooded in any given year, as determined in Section 12.5(B) of this ordinance.

STABILIZING VEGETATION. Any vegetation that prevents accelerated soil erosion.

START OF CONSTRUCTION. Includes substantial improvement, and means the date of the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pies, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building. (This definition applies only with respect to flood hazard regulations.)

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

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

STORM DRAINAGE FACILITIES. The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

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

STREAM. A watercourse that collects surface runoff.

STREAM BUFFER. A natural, vegetated, or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers. (This definition applies only with respect to Watershed Protection Regulations).

STREET, LOCAL. A street whose primary function is to provide access to abutting properties.

STREET, MAJOR THOROUGHFARE. Major thoroughfares consist of interstate, other freeway, expressway, or parkway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

STREET, MINOR THOROUGHFARE. Minor thoroughfares collect traffic from collector,
subcollector, and local streets and carry it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating movement of moderate volumes of traffic within and through urban areas and may also serve abutting property.

STREET, PRIVATE. A vehicular travelway not dedicated or offered for dedication as a public street but resembling a cul-de-sac or a local street by carrying traffic from a series of driveways to the public street system.

STREET, PUBLIC. A dedicated public right-of-way for vehicular traffic which: (1) has been accepted by NCDOT for maintenance, or (2) is not yet accepted, but in which the

roadway design and construction have been approved under public standards for vehicular traffic. Alleys are specifically excluded from this definition.

STREET, RIGHT.OF.WAY. A strip of land occupied or intended to be occupied by a travelway for vehicles and also available, with the consent of the appropriate governmental agency, for installation and maintenance of sidewalks, traffic control devices, traffic signs, street name signs, historical marker signs, water lines, sanitary sewer lines, storm sewer lines, gas lines, power lines, and communication lines.

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

STORMWATER. Any flow resulting from, and occurring during or following, any form of natural precipitation.

STORMWATER CONVEYANCE or STORMWATER CONVEYANCE SYSTEM. Any feature, natural or man-made, that collects and transports stormwater, including but not limited to roads with drainage systems, streets, catch basins, curbs, gutters, ditches, man-made or natural channels, pipes, culverts, and storm drains and any other natural or man-made feature or structure designed or used for collecting or conveying stormwater.

STRUCTURE. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground. (This definition applies only with respect to flood hazard regulations.)

SUBDIVISION. The division of land into two or more lots by a plat and recorded with the county clerk and register of deeds.

SUBDIVISION, MAJOR. Any non-residential subdivision; or a residential subdivision involving more than four lots, or requiring new public street(s) for access to interior property, or requiring extension of public sewage or water line, or requiring a waiver or variance from any requirement of this Ordinance.

SUBDIVISION, MINOR. A residential subdivision involving four or fewer lots fronting on an existing approved public street(s), not requiring any new public or private street(s) for access to interior property, not requiring extension of public sewage or water line and not requiring a waiver, modification, or variance from any requirement of this Ordinance.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a 10.year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before

the damage occurred. (This definition applies only with respect to flood hazard regulations.)

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation,
addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement officials and which are the minimum necessary to assure safe living conditions; or,
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

SUBSTANTIALLY SIMILAR. The same or significantly the same as a prior plan or application as determined by the associated land area, the intensity of development proposed, the range of proposed uses, the type, variety and scale of signage, and other relevant factors.

SUBURBAN OPEN SPACE AMENITIES. Land available for active or passive recreation including parks, trails, clubhouses, playgrounds, athletic fields and courts, picnic facilities, benches, community gardens, and pools. It can include natural areas including floodplains, waterbodies, wetlands, woodlands, land used for stormwater retention, and slopes over 15%.

SURFACE WATER BUFFER. A natural, vegetated, or re-vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers. (This definition applies only with respect to Watershed Protection regulations.)

TAILGATE MARKET. The permanent or regularly-periodic offering for sale of fresh agricultural products directly to the consumer at an open air market.

TELECOMMUNICATIONS TOWER. A tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building or other structure.

TEMPORARY HEALTH CARE STRUCTURE – A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that (i) is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically

impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

THEATER, ADULT. An enclosed building or premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting,
describing or relating to sexual activities or anatomical areas.

THOROUGHFARE PLAN. A plan adopted by the governing body for the development of existing and proposed major streets that will adequately serve the future travel needs of an area in an efficient and cost effective manner.

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

TOWNHOUSE. Single occupancy units attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks and open areas owned in common.

TOWNHOUSE LOT. A parcel of land intended as a unit for transfer of ownership and lying underneath, or underneath and around, a townhouse, patio home, or unit in nonresidential group development.

TOXIC SUBSTANCE. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

TRACT. All contiguous land and bodies of water in one ownership, or contiguous land and bodies of water in diverse ownership being developed as a unit, although not necessarily all at one time.

TREE, CANOPY. A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown of 30 feet.

TREE, UNDERSTORY. A species of tree which normally grows to a mature height of 15 to 35 feet in height.

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

UNDISTURBED AREA. That portion of a lot, tract, or subdivision which has not and

will not be occupied and which has not and will not be graded to change land contours or to destroy existing vegetation. Only areas that are wooded or reforested are considered undisturbed for the purposes of watershed protection scoresheet evaluation. (This definition applies only with respect to watershed protection regulations.)

URBAN CONDITIONS. An area of higher intensity and/or higher density development in which buildings have little or no front and side yard setback, there is significant pedestrian traffic, and on-street parking is permitted. There is typically a mix of uses (residential, office, and retail) in areas with urban conditions.

URBAN OPEN SPACE AMENITIES. Facilities for active and passive recreational use located in urban areas that include sidewalks widened beyond what is required by code, plazas, street furniture, outdoor eating or gathering areas, fountains, rooftop gardens, areas featuring public art, or other urban-related amenities.

USE, CONDITIONAL. A use which is generally compatible with other land uses permitted in a zoning district but which, because of its unique characteristics or potential impacts on the surrounding neighborhood and the Town of Jamestown as a whole, requires individual consideration of its location, design, configuration, and/or operation at the particular location proposed

USE, PERMITTED. A use allowed within the zoning district provided the basic and requirements of the zoning district are met.

USE WITH ADDITIONAL STANDARDS. A use permitted by right, provided that the additional standards intended to ensure that the use fits the intent of the zoning districts within which it is permitted and that the use is compatible with other development permitted within the zoning district, are met.

VARIANCE. Official permission from the Board of Adjustment to depart from the requirements of this ordinance.

VEGETATIVE BUFFER. An area meeting regulatory buffer requirements consisting entirely of plant materials that form a screen.

VELOCITY. The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overland flows are not to be included for the purpose of computing velocity of flow.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in Article 18 is presumed to be in violation until such time as that documentation

is provided. (This definition applies only with respect to flood hazard regulations.)

WATER DEPENDENT STRUCTURES. Structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

WATER QUALITY CONSERVATION EASEMENT. See section 19-2-2(d) (easements).

WATER SURFACE ELEVATION (WSE). The height, in relation to mean seal level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATERS OF THE STATE. Surface waters within or flowing through the boundaries of the state including the following: any intermittent or perennial stream, river, creek, brook, swamp, lake, sound, tidal estuary, bay, reservoir, wetland, or any other surface water or any portion thereof that is mapped as solid or dashed blue lines on United State Department of the Interior Geological Survey 7.5 minute series topographic maps. Treatment systems, consisting of man-made bodies of water, which were not originally created in waters of the state, which are not the result of impoundment of waters of the state, are not waters of the state.

WATERSHED CRITICAL AREA. That portion of the watershed within the lake basin of the water supply reservoir as delineated in Article 19 (Watershed Standards).

WATERSHED, WATER SUPPLY. The entire area contributing drainage to the Town's water supply, in this case Oak Hollow Lake, High Point City Lake, and the proposed Randleman Reservoir. For the purposes of the Watershed Protection Overlay District Regulations, major landmarks such as roads or property lines may be used to delineate the outer boundary of the drainage area if these landmarks are immediately adjacent to the ridgeline.

WET DETENTION POND. A natural or man-.made water body that provides for the storage and gradual release of stormwater runoff by means of a permanent pool of water having an outfall to another water body, and which has a permanent pool that utilizes both settling and biological process to remove both particulate and soluble particulates. See Best Management Practices definition

WET RETENTION POND. A natural or man-.made water body that provides for the

storage of stormwater runoff by means of a permanent pool of water. See Best Management Practices definition.

WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support under normal circumstances a prevalence of vegetation typically adapted for life in saturated soil conditions.

YARD SALE (OR GARAGE SALE). The sale of items outdoors, or from a vehicle, or from a garage or other accessory building, belonging to one or more sponsors of the sale. Only three yard sales per calendar year are permitted on the same zoning lot, unless evidence can be presented of the sale of the lot to a new owner.

ZONING DISTRICT. An area defined by this Ordinance and delineated on the Official Zoning Maps in which the requirements for the use of land and building and development standards are prescribed.

ZONING VESTED RIGHT. A right pursuant to NCGS 160A-.385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

ARTICLE 4
BOARDS AND COMMISSIONS

4.1 Boards and Commissions Established

The following boards and commissions are hereby established to carry out the duties and responsibilities set forth in this ordinance and in fulfillment of the goals and purposes of this ordinance:

- Planning Board
- Tree Board
- Technical Review Committee

These boards and commissions may establish and adopt their own bylaws and rules of procedure, provided they are not inconsistent with the rules of procedure outlined in the Suggested Rules of Procedure for Small Local Government Boards, published by the Institute of Government or the rules adopted by the Town Council.

4.2 Planning Board

4.2-1 Authority. There is hereby created a planning agency, pursuant to NCGS 160A-361 to be known as the Town of Jamestown Planning Board.

4.2-2 Membership

(A) Number of Members – The Planning Board shall consist of five regular members, who shall reside within the Town limits, and four members residing in the Town's area of extraterritorial jurisdiction. The five regular members shall be appointed by the Jamestown Town Council. Members residing in the Town's extraterritorial area shall be approved by the Jamestown Town Council and appointed by the Guilford County Board of Commissioners. The extraterritorial representative(s) shall deliberate and vote only on those matters affecting policy and land in the extraterritorial jurisdiction.

(B) Officers – A Chair and Vice-Chair of the Planning Board shall be elected by the Planning Board in accordance with the rules and procedures set forth in the Board's bylaws and rules of procedure. The Chair and Vice-Chair shall serve one year terms and may be elected to successive terms.

(C) Attendance Policy – Any member who attends less than 75% of the regular and special meetings held by the Planning Board during any one year period or who misses three or more meetings in a row may be removed from the Board. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as

provided herein.

4.2-3 Terms.

(A) Length of Terms . Members and alternate members, if any, of the Planning Board shall serve a term of five (5) years, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members shall not expire at the same time. Members may be reappointed to a second term, but shall not be reappointed for more than two (2) consecutive terms. Members who have served two (2) consecutive terms may be appointed to another board or commission and may be appointed to another term on the Planning Board after a one term (5 year) hiatus from the Board.

(B) Filling of Vacancies . A new member or an alternate member may be appointed to fill the unexpired term of a Planning Board member whose term is vacated. Members filling vacancies shall serve for the remainder of the unexpired term.

4.2-4 Powers and Duties. The Planning Board shall have the following powers and duties:

(A) To provide recommendations to the Town Council with regard to rezonings, text amendments, watershed waivers**,** and other matters on which the Council seeks advice;

(B) To develop and update a comprehensive plan for the territory under its Jurisdiction, subject to specific direction from the Town Council;

(C) To approve subdivisions prepared in accordance with the Subdivision Ordinance;

(D) To render opinions and make recommendations on all issues, requests, and petitions related to the Land Development Ordinance and land use plans that may be adopted from time to time and that require approval by the Town Council;

(E) To interpret zoning maps and pass upon disputed questions of district boundary lines and similar questions that may occur in the administration of the Ordinance;

(F) To review compliance with the mandatory design guidelines as set forth in this Ordinance; and

(G) To make such other studies and plans and review such other related matters as directed by the Town Council.

(H) To act as the Board of Adjustment, when required, and to carry out the duties assigned by G.S.160A-388 including:

(i) To hear and decide appeals from an order, denial of a permit or other decision made by an administrative official charged with enforcing this Ordinance;

(ii) To hear and decide any exceptions which are specifically delegated to it by this Ordinance;

(iii) To hear and decide requests for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation result in a loss of privileges shared by other properties within the same zoning district;

(iv) Upon receiving authority from the Jamestown Town Council, to act as the Watershed Review Board in hearing and deciding appeals from any decision or determination made by the Enforcement Officer in the enforcement of the Watershed Protection Ordinance as set forth in Article 19 of this Ordinance;

(v) To hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance, as set forth in Article 18; and

(vi) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance

4.2-5 Conflicts. A member of the Board of Adjustment or any other body exercising the functions of a board of adjustment 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 conflicts 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. If an objection is raised to a member's participation and that member does not rescue himself or herself, the remaining members shall by majority vote rule on the objection.

4.2-6 Voting. When acting as the Board of Adjustment, specific voting requirements shall be followed, as per N.C.G.S. 160A-388:

(A) Majority Vote Required . A majority vote of the members shall be required to affirm, reverse or modify any order, decision, or interpretation of the Enforcement Officer charged with enforcing this Ordinance or to decide in favor of the applicant on a matter upon which the Board is required to pass. To grant a variance from the provisions of the Ordinance, the four-fifths (4/5) vote is still required. Vacant positions on the Board of Adjustment and members who are disqualified from voting on a matter before the Board of Adjustment shall not be considered members of the board for calculation of the requisite four-fifths majority if there are no qualified alternates available to take the place of such members.

(B) Conflicts . A member of the Board of Adjustment or any other body exercising the functions of a board of adjustment 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 conflicts 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. If an objection is raised to a member's participation and that member does not rescue himself or herself, the remaining members shall by majority vote rule on the objection. (G. S. 160A-388)

4.3-6 Proceedings. All meetings of the Board of Adjustment shall be open to the public. The Board shall keep minutes showing the vote of each member on each question and the absence or failure of any member to vote. The final disposition of each matter decided by the Board of Adjustment shall be by recorded resolution indicating the reasons for the decision, based on findings of fact and conclusions of law which shall be public record. 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 decision and the reasons for that decision.

4.3 RESERVED

4.4 Tree Board

4.4-1 Establishment of Tree Board. The Town of Jamestown Tree Board is hereby established by the Town Council.

4.4-2 Membership.

(A) Number of Members – The Tree Board shall consist of seven (7) members, all of whom shall be residents of the Town of Jamestown. The Tree Board shall be created from the Town's Parks and Recreation Board with members serving on both boards.

(B) Officers – A Chair and Vice-Chair of the Tree Board shall be elected by the Tree Board in accordance with the rules and procedures set forth in the Board's bylaws and rules of procedure.

(C) Attendance Policy – Any member who attends less than 75% of the regular and special meetings held by the Tree Board during any one year period or who misses three or more meetings in a row may be removed from the Board. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided herein.

4.4-3 Terms

(A) Length of Terms. Members and alternate members, if any, of the Tree Board shall serve a term of two (2) years, provided that upon initial appointment the terms of office may be staggered. The terms of all Board members shall not expire at the same time. Members may be reappointed to a second term, but shall not be reappointed for more than two (2) consecutive terms. Members who have served two consecutive terms may be appointed to another term after a one term (2 year) hiatus from the Board.

(B) Filling of Vacancies . A new member or an alternate member may be appointed by the Town Council to fill the unexpired term of a Tree Board member whose term is vacated. Members filling vacancies shall serve for the remainder of the unexpired term.

4.4-4 Duties and Responsibilities. The Tree Board shall have the following duties and responsibilities:

(A) To establish rules and regulations for its actions (rules of procedure) and to keep a journal of its proceedings (minutes).

(B) To study and develop and/or update annually, specifications for the care, conservation, pruning, planting, and replanting of publically owned trees and shrubs in parks, along streets, and in other public

areas. Such information and plans will be presented annually to the Town Council. The Board, when requested by the Town Council, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of work of the Board.

(C) To develop and maintain arboricultural specifications for tree care and replacement;

(D) To provide guidance for tree and landscaping programs and policy; evaluate and monitor current regulations for effectiveness and recommend appropriate changes regarding the Tree Preservation Ordinance and the Landscape/Buffering standards set forth in this ordinance, or any other arboricultural specifications for tree care and replacement of the Town Council;

(E) To conduct educational programs with respect to tree preservation;

(F) To review and provide recommendations regarding long term tree management and maintenance plans for the Town;

(G) To review appeals, orders, requirements, decisions, and/ interpretations made by Town staff charged with enforcing the Tree Preservation Ordinance;

(H) To make recommendations to the Board of Adjustment with reference to variances relating to provisions of the Tree Preservation Ordinance and the Landscape/Buffering standards set forth in this ordinance;

(I) To approve minor modifications to the Tree Preservation Ordinance and the Landscape/Buffering standards set forth in this ordinance that provide equal or better compliance;

(J) Any other duty or responsibility assigned to it by the Town Council with relation to arboricultural or landscaping matters.

4.4-5 Staff. The Planning Director or his/her designee shall facilitate all functions of the Tree Board. This shall include, but not be limited to, setting meeting times and place, establishing an agenda, functioning as a liaison to the Town Council, and serving as the Tree Board representative at public forums.

4.5 Technical Review Committee

4.5-1 Authority. A planning agency known as the Technical Review Committee (TRC) is hereby established pursuant to NCGS 160A-361.

4.5-2 Membership

(A) Composition. The TRC shall be composed of the following members or their designee/alternate:

- Planning Director
- Public Services Director

- Town Manager

- One (1) member of the Planning Board (Vice-chair or his/her designee). The Planning Board member of the TRC shall serve as the liaison between the Planning Board and TRC. He/she may be present to observe the TRC meeting and may make suggestions regarding projects and matters being considered by the TRC; however, approval or denial of plans and other matters before TRC shall rest solely wit TRC members who are Town staff.

- Other agencies/individuals as appropriate

(B) Officers. The Planning Director shall serve as TRC Chair. The Committee shall appoint a secretary to record minutes of each meeting.

4.5-3 Powers and Duties. The Technical Review Committee shall have the following powers and duties:

(A) To provide for continuing, coordinated and comprehensive review of certain technical aspects of development proposals and of the Ordinance in general;
(B) To review technical aspects of development occurring within the Town as specified by this Ordinance;
(C) To review and approve new or revised plans including: subdivisions, clustered or attached developments; planned unit developments; office, commercial and industrial developments; and any other proposals for development by this Ordinance;
(D) To approve modifications where authorized by this Ordinance;
(E) To recommend to the Planning Board the closing of streets, alleys, easements, and others rights-of-way;
(F) To serve as the Watershed Review Board, exercising the powers and duties as set forth for this Board in article 19 of this ordinance.
(G) To perform any other related duties that the Town Council may direct; and
(H) To exercise other powers and authority provided to it by the Town Council, this Ordinance, or state law.

4.5-4 Action by Technical Review Committee. Upon submittal and review of a complete application, the TRC may make one of the following recommendations:

1. Approval. If the TRC recommends approval, the Planning Director and Public Services Director shall "stamp and sign" approved plans with original signatures.
2. Approval with conditions. If the TRC recommends approval with conditions, the applicant may revise the plan to meet the conditions of the approval and resubmit it. The

revised plan shall be reviewed by the Planning Director and, if it meets all of the conditions, shall be considered "fully approved". If the plan is not revised to meet conditions within 60 days after action by the TRC or the applicant does not request a review by the Planning Board by providing written notice to the Planning Director, the plans and/or application shall be deemed denied.

3. Denial. If the TRC recommends denial of the plans/application, the reasons for denial shall be provided in writing to the applicant. The site plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. A recommendation for denial by the TRC shall be considered final action on the request unless, within 30 days from receiving the written recommendation of the TRC, the applicant requests a public hearing by providing written notice to the Planning Director. The applicant may revise the site plan to address the reason for denial and resubmit the revised plan or the applicant may appeal the decision of the TRC to the Planning Board. The applicant may not resubmit the revised site plan and appeal the TRC decision.
4. Submittals. Up to four (4) submittals of a revised submittal/site plan may be submitted without payment of additional review fees. Any submittal after the fourth submittal may be required to be accompanied by an additional review fee, at the discretion of the TRC, as established pursuant to this ordinance.
5. Timing. The TRC shall make its recommendation within ten working days of reviewing the application and site plan, unless circumstances dictate that more time is necessary and would be in the best interests of all parties to delay the review. If that is the case, the Planning Director or Public Services Director shall notify the applicant in writing that a delay is necessary, the reasons for the delay, and an alternate date for the TRC meeting.

4.6. Meetings, Hearings, and Procedures of all Boards and Commissions

All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedures set forth in these regulations and with the rules of procedure adopted by the Planning Board, Board of Adjustment, Tree Board, and Technical Review Committee. Such rules of procedure may be amended by the respective board or commission membership. The rules of procedure adopted by any board or commission shall be kept on file at the office of the Planning Director and shall be made available to the public at any meeting or hearing. No

rules or procedures shall conflict with this ordinance; if conflicts occur this Ordinance shall take precedence.

4.7. Staff

The Planning Director shall serve as staff to the Planning Board, Board of Adjustment, and Tree Board and shall provide technical assistance to the Planning Board, Board of Adjustment, and Tree Board as requested.

ARTICLE 5

AMENDMENTS TO DEVELOPMENT ORDINANCE AND ZONING MAP

5.1 General

The Jamestown Town Council may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning maps according to the procedure established by G.S.160A-384. Such amendments shall be evaluated for compliance with the city's comprehensive plan and other applicable adopted plans, and may require a comprehensive plan amendment to ensure compatibility between the plan and the amendment. Amendments and modifications shall be acted upon by the Town Council, after recommendation from the Planning Board.

5.2 Initiation of amendments

Proposed changes or amendments to the text of this chapter may be initiated by the Jamestown Town Council, the Jamestown Planning Board, the Board of Adjustment, the Planning Director, any owner of a legal or equitable interest in land located in the Town or its extraterritorial jurisdiction, or any resident of the Town or its extraterritorial jurisdiction. Proposed zoning map amendments may be initiated by the Jamestown Town Council, the Jamestown Planning Board, the Board of Adjustment, the Planning Director, or any owner of a legal or equitable interest in the property for which the map amendment is requested. A zoning study of a defined area may be requested upon submittal to the Jamestown Planning Department of a petition signed by 51 percent of the property owners in the defined area for which the zoning study is requested who own at least 51 percent of the property (calculated by land area) in the defined area for which the zoning study is requested. The area for which the zoning study is requested must be defined by the petitioners requesting the zoning study and may be of any size and include any number of individual contiguous parcels, including a public street. The area defined by the petitioners will be used by Town staff to determine if the required 51 percent of property owners owning at least 51 percent of the property have signed the petition requesting the zoning study. Upon confirmation that the petition for a zoning study is valid, it shall be forwarded to the Jamestown Town Council for a determination of whether the zoning study should be initiated for the defined area and any portion thereof. The Town Council may initiate the zoning study, elect not to initiate the zoning study, or reduce the size of the area to be included in the zoning study and initiate a zoning study of the reduced area.

Section 5.3 Amendment Process

5.3-1

(A) Pre-filing meeting. Before filing a petition for an amendment or a request for a zoning study, an applicant shall meet with the Planning Director to discuss the proposed amendment or request

and to become more familiar with the applicable requirements and approval procedures.

(B) Neighborhood meeting. It is highly recommended that the applicant for a zoning map amendment (rezoning) meet with representatives of the neighborhood in which the property for which the map amendment (rezoning) is proposed is located. This meeting, which should be held at the pre-application stage, will allow the applicant to explain the proposed map amendment (rezoning) and to be informed of the concerns of the neighborhood.

(C) Filing.

(1) A petition requesting an amendment or a zoning study shall be filed with the Planning Department on a form provided by the Director.

(2) Applicable fees shall be payable as set forth by the Jamestown Town Council.

(3) Petitions must be submitted by 12:00 noon on the second Friday of the month in order for the petition to be heard at the meeting of the Jamestown Planning Board scheduled at least 30 days later.

(D) Content of applications.

(1) Each application shall contain or be accompanied by all information required on the application form provided by the Planning Director.

(2) Every amendment proposing to change the district boundary lines shall be accompanied by a metes and bounds description, a survey of the area involved, or reference to existing lots, sufficient in the estimation of the Planning Director to plot or otherwise identify the amendment on the official zoning maps of the Town of Jamestown.

(3) Any person designated by the owner(s) of the property included in the petition to serve as agent for the owner shall submit such authorization in writing with the application.

5.3-2 Review by the Technical Review Committee

(A) General. Upon submission of a request for a zoning map amendment that requires compliance with design guidelines as set forth in this Ordinance, the request shall be scheduled for review by the Jamestown Technical Review Committee prior to being submitted to the Jamestown Planning Board for review and recommendation. The Technical Review Committee shall review the request for compliance with the design standards set forth in this Ordinance. Upon receipt of the request, the Technical Review Committee shall hold a meeting to consider the proposal.

(B) Notification. The meeting of the Technical Review Committee at which the request is reviewed is not a public hearing and therefore no notice is required.

(C) Review – General. The review meeting shall be conducted in accordance with the rules of procedure of the Jamestown Technical Review Committee. The Committee shall make recommendations to the Jamestown Planning Board regarding whether the proposal complies with the design standards set forth in this ordinance. When considering a proposal, the Technical Review Committee shall consider only the compliance of the proposal with the design standards set forth in this Ordinance.

(D) Finding of Compliance by the Jamestown Technical Review Committee. Following a finding by the Technical Review Committee that the proposal complies with the design standards set forth in this Ordinance, the action shall be reported to the Jamestown Planning Board for a public hearing and recommendation according to the process set forth is section 5.3-3 of this ordinance. The public hearing will be scheduled as provided by Planning Board's rules of procedure.

(E) Finding of Non-compliance by the Jamestown Technical Review Committee. If the Technical Review Committee finds that the proposal does not comply with the design standards set forth in this ordinance, the petitioner may request that the consideration of the request by the Planning Board be postponed for up to ninety (90) days. The purpose of the postponement is to provide the petitioner time to address issues identified by the Technical Review Committee Board in their review of the proposal and/or to revise the proposal to address the issues that resulted in the finding of non-compliance. Following the negative recommendation of the Technical Review Committee and the postponement, if requested by the petitioner, the application with the Technical Review Committee's finding, shall be forwarded to the Planning Board for their consideration and recommendation. If the petitioner revises the proposal to address issues identified by the Technical Review Committee, the revised proposal shall be forwarded to the Planning Board for consideration and recommendation.

5.3-3 Review by the Jamestown Planning Board

(A) General. Upon submission of a request for a land development ordinance amendment or a zoning map amendment, the request shall be scheduled for review by the Jamestown Planning Board. The Jamestown Planning and Board shall hold a meeting to consider the requested amendment(s).

(B) Notification. The Planning Director shall prepare a public notice as described below that indicates the official receipt of an

application for a land development ordinance amendment or a zoning map amendment. This notice for publication shall include the following:

1. Brief description of the requested amendment;
2. The time, date, and place at which the request will be considered; and
3. Contact information for staff receiving comments concerning the request.

The notice shall be published in a newspaper of general circulation at least five (5) days prior to the date on which the request is to be considered. This notice also shall be mailed to the owners, as shown on the County tax listing, of abutting property at least ten days, but not more than 25 days, before the date on which the request is to be considered. Should the applicant not hold a neighborhood meeting to discuss the proposed zoning map amendment (rezoning), as described in section 5.3-1.(B) above, this notice also shall be mailed to the owners of any property located within 500 feet of the property in question at least ten days, but not more than 25 days, before the date on which the request is to be considered. A sign stating the above information shall be posted on the subject property ten days before the date on which the application is to be considered if the recommended neighborhood meeting is not held.

(C) Review – General. The public hearing shall be conducted in accordance with the rules of procedure of the Jamestown Planning Board. The Board shall make recommendations to the Jamestown Town Council regarding whether to approve or deny each proposed amendment. When considering an amendment, the Planning Board shall consider the compliance and compatibility of the amendment with the Town's comprehensive plan and other adopted plans for the area affected by the proposed amendment.

(D) Affirmative recommendation by the Jamestown Planning Board. Following an affirmative recommendation by the Jamestown Planning Board on the proposed amendments, the action shall be reported to the Jamestown Town Council for a public hearing and final action according to the process set forth is section 5.3-4 of this ordinance. The public hearing will be scheduled as provided by Town Council's rules of procedure.

(E) Negative recommendation by the Jamestown Planning Board. If the Jamestown Planning Board has made a negative recommendation on an amendment, the petitioner may request that the consideration of the request by the Town Council be postponed for up to ninety (90) days. The purpose of the postponement is to provide the petitioner time to address issues identified by the Planning Board in their review of the request and/or to revise the request to address the issues that resulted in the negative

recommendation. Following the negative recommendation of the Planning Board and the postponement, if requested by the petitioner, the application with the Planning Board's recommendation shall be forwarded to the Town Council for their consideration and action. If the petitioner chooses to revise the request to address the issues identified by the Planning Board, the petitioner must schedule a meeting with the Planning Director and Chair (or Vice Chair) of the Planning Board a minimum of 14 days prior to the Town Council meeting at which the request will be considered. The purpose of this meeting will be to review any revisions made to the application as a result of the Planning Board meeting. If the revision(s) to the request, at the discretion of the Planning Director and Chair (or Vice Chair) of the Planning Board, has not addressed the issues identified by the Planning Board, the petitioner may: i) elect to take the request "as is" to the Town Council for their consideration, or ii) further postpone action by the Town Council to allow for further revisions to the request.

(F) No action by the Jamestown Planning Board. If the Jamestown Planning Board has made neither a positive nor a negative recommendation on a proposed amendment within 30 days of first considering it, the proposed amendment shall be forwarded to the Town Council for consideration. The proposed amendment shall be accompanied by a record of the Jamestown Planning Board's comments regarding the amendment and the reasons, if any, for their lack of action.

(G) Continuance by the Jamestown Planning Board. In those cases where, upon hearing the request, the Planning Board feels that more information is needed, questions have arisen, or other circumstances occur in which additional time is needed to enable the Board to make a decision, consideration of the request may be continued. The Planning Board may, by majority vote of members present, continue the consideration of the request until the next regularly scheduled Planning Board meeting. The Board shall direct the appropriate person(s) to obtain the needed information, provide answers to questions, etc during this time to enable the Board to make a decision at the next regularly scheduled meeting. The Planning Board shall take action (affirmative or negative recommendation) on continued items at their next regularly scheduled meeting.

(H) Content of recommendation and statement of consistency. Any recommendation made by the Jamestown Planning Board to the Jamestown Town Council pursuant to this section shall be in writing and shall include a statement describing whether the proposed amendment is consistent with any comprehensive plan that has been adopted by the Town and any other officially adopted plan that is applicable plan, and shall address any other matter

deemed appropriate by the Planning Board. A comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration of approval of the proposed amendment by the governing board. (G.S. 160A-383)

(I) Conflict of Interest. No member of the Planning Board shall vote on a recommendation regarding any zoning map or text amendment where the outcome of the matter being considered is reasonable likely to have a direct, substantial, and readily identifiable financial impact on the member. (G.S. 160A-381(d))

5.3-4 Review by the Jamestown Town Council.

(A) Review -general. Following receipt of a recommendation on a proposed amendment, or in the case of a negative recommendation, the receipt of the petitioner's request for a public hearing, or in the case of no action by the Jamestown Planning Board as described in section 5.3-3 above, the Jamestown Town Council shall hold a public hearing on the proposed amendment. The public hearing will be scheduled and conducted as provided by the Town Council's rules of procedure.

(B) Notification. When a change is proposed in a zoning boundary or classification of a parcel, notice of the public hearing shall be sent by first class mail to the owner of that parcel and the owners, as shown on the County tax listing, of all parcels abutting that parcel of land at least ten days before the date on which the request is to be considered. Should the applicant not hold a neighborhood meeting to discuss the proposed zoning map amendment (rezoning), as described in section 5.3-1.(B) above, this notice also shall be mailed to the owners of any property located within 500 feet of the property in question at least ten days before the date on which the request is to be considered. A sign stating the above information shall be posted on the subject property ten days before the date on which the application is to be considered if the recommended neighborhood meeting is not held. The person or persons mailing such notices shall certify to the Town Council that proper notice has been given.

Publication of legal notice shall also be required for zoning map amendments as provided for text amendments. The first class mail notice shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for above, or may as an alternative elect to publish notice of the

hearing as required by G. S. 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that published the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first-class mail according to the provisions above. (G. S. 160A-384 (b))
When a zoning map amendment is proposed, the Town shall, within the same time period before the scheduled public hearing, prominently post a notice of the public hearing on the property proposed for rezoning or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons. (G. S. 160A-384 (c))

In addition, each site shall be posted in a conspicuous location(s) with the time, date, and notice of public hearing. A sign stating such information shall be posted on the subject property ten (10) days before the date on which the request is to be considered.

(B) Action.

(1) Before acting on any proposed amendment, the Jamestown Town Council shall consider any recommendation made by the Jamestown Planning Board, the recommendation submitted by the Planning Director to the Planning Board, the comments made at the public hearing, and any other relevant additional information.

(2) When considering a proposed amendment, the Jamestown Town Council shall not evaluate the petition based on any specific proposal for the use or development of the property. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those that would apply to all uses permitted by the requested classification.

(3) Upon reviewing all pertinent information, the Jamestown Town Council may:

a. Adopt the proposed amendment;
b. Reject the proposed amendment;
c. Continue the consideration of the request to their next regularly scheduled meeting or other agreed upon time;

d. Refer the proposed amendment back to the Jamestown Planning Board for further consideration or hearing; or

e. Modify the proposed amendment.

(C) Statement of Consistency. Prior to adopting or rejecting any zoning amendment, the Town Council shall adopt a statement describing whether its action is consistent with any comprehensive plan and any other applicable plan adopted by the Town, and shall state why the action taken is considered to be reasonable and in the public interest. (G. S. 160A-383)

(D) Conflict of Interest. A Town Council member shall not vote on any zoning map of text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (G. S. 160A-381 (d); 160A.5)

5.3-5 Protests

(A) Protest petitions. In case of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all the members of the Jamestown Town Council. For the purposes of this subsection, vacant positions on the Town Council and members who are excused from voting shall not be considered 'members of the council' for calculation of the requisite supermajority.

(B) Qualifications.

(1) Signatories required. To qualify as a protest, under this section, the petition must be signed by the owners of either (i) 20 percent or more of the area included in the proposed change or (ii) five percent of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Town may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.

(2) Qualified signatures. Where the owner of property submitting a protest petition is something other than an individual, married couple holding the property as an entirety, or fewer than five joint owners (tenancy in common, joint tenants, etc.), the petition shall be accompanied by copies of appropriate documentation that the petition has been signed by all of the record owners of the protesting property, and in

the case of an owner that is not a real person, documentation showing that the petition has been executed in the proper form for that entity. Where the property is titled in the name of someone who is deceased, divorced, or otherwise no longer an owner of the property, the petition shall so state. An opinion from a licensed North Carolina attorney as to the legal sufficiency of the form of execution of a protest petition will suffice for this requirement.

(C) Exceptions. The foregoing provisions concerning protests shall not be applicable to any amendment that initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted (i) special use district, (ii) conditional use district, or (iii) conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

(D) Form and time for filing. No protest against any change in or amendment to the zoning ordinance or zoning map shall be valid or effective unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers protest the proposed change or amendment, and unless it shall have been received by the city clerk in sufficient time to allow the Town at least two normal work days, excluding Saturdays, Sundays, and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The Town Council may by ordinance require that all protest petitions be on a form prescribed and furnished by the Town, and such form may prescribe any reasonable information deemed necessary to permit the Town to determine the sufficiency and accuracy of the petition. The Town of Jamestown provides protest petition forms at the office of the Planning Director. A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in N.C.G.S., sec. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

5.3-6 Waiting period for subsequent applications.

(A) Waiting period - general. When an application for a zoning amendment has been approved or denied by the Jamestown Town Council, no rezoning application covering the same property shall

be accepted or considered within 12 months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.

(B) Waiting period - waiver. The waiting period required by this section may be waived by a three-fourths vote of Jamestown Town Council if it determines that there have been substantial changes in conditions or circumstances which may relate to the request. A request for a waiver of the waiting period shall be submitted to the Planning Director, who shall review and prepare a recommendation regarding action on the request. Said recommendation shall be considered by the Town Council in their review of the request for a waiver. If the request for the waiver is approved, the application shall go through the full review process as set forth above.

5.4 Conditional Zoning

5.4-1 Purpose.

Conditional zoning is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a general use district. Additional standards and regulations may be attached to a proposed development to ensure compatibility with the surrounding uses and with applicable adopted plans in accordance with the requirements of this section.

5.4-2 Conditional zoning districts.

Conditional zoning is available for any of the general zoning classifications enumerated in this ordinance, except for those that require a site specific development plan as part of the application (e.g., Traditional Neighborhood Development District, Campus Overlay District). The conditional zoning designation shall be indicated on all zoning maps and other official documents with the suffix, "(CZ)" (e.g. SF(CZ); MSP(CZ)).

5.4-3 General requirements.

The following provision shall apply in the administration of conditional zoning.

(A) A conditional zoning application shall be considered only upon request of the owner of the affected property or a duly authorized representative of the property owner.

(B) Prior to submittal of the application, it is strongly recommended that the applicant meet with representatives of the surrounding property owners and of the surrounding neighborhood(s) to discuss the proposed development, and include a report of any such meetings in its application.

(C) All standards and requirements of the corresponding general use zoning district shall be met, except to the extent that the conditions imposed by the conditional zoning are more restrictive than the general use standards.

(D) No uses shall be permitted except those enumerated in the ordinance adopting the conditional zoning.

(E) The conditions agreed upon pursuant to the conditional zoning approval shall be stated in the adopting ordinance and may limit the uses which are permitted on the property. By way of illustration and not limitation, conditions may specify location on the property of the proposed structure(s), the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways, and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the height of structures, the location and extent of rights-of-way and other areas to be dedicated for public purposes, and other such matters as may be identified as appropriate for the proposed development.

(F) Minor modifications to the approved conditional zoning ordinance may be approved by the Technical Review Committee. The minor modifications authorized herein are intended to provide relief where conditions established by the conditional zoning ordinance create a hardship based upon a unique physical attribute of the property itself or some other factor unique to the property which was not known at the time of ordinance adoption and which has subsequently rendered the property difficult or impossible to use due to the condition(s) imposed by the zoning. The permit holder shall bear the burden of proof to secure the modification(s). Such modifications shall be limited to the following:

1. A deviation of up to ten percent or 24 inches, whichever is greater, from the approved setback, provided that the conditions for approving a deviation from the required setback established by Article 14 (Flexible Development Standards) of this Ordinance are met.
2. A reduction of up to 25 percent in the number of parking spaces required for the use provided that the proposed development is located within ½ mile of the Main Street District and on-street parking is available.
3. Any other minor modification in accordance with the limitations and procedures prescribed in this chapter, unless a conditional zoning ordinance adopted pursuant to this section specifies otherwise.

Any other modifications must be approved by the Town Council as an amendment to the conditional zoning ordinance, and may be

referred to the Planning Board or Technical Review Committee as appropriate. The Technical Review Committee shall in every case have the discretion to decline to exercise the power to approve or deny modifications as provided for herein, and may require the applicant to seek an amendment to the conditional zoning ordinance.

(G) Any violation of a provision of a conditional zoning ordinance shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any other such violation.

(H) If for any reason any provision of a conditional zoning ordinance is found to be illegal or invalid, or if the applicant should fail to accept any condition, the entire ordinance shall be null and void, and the property shall revert to its previous zoning classification without further action by the Town Council.

(I) If no action has been taken to begin development of the property in accordance with the conditional zoning ordinance within 24 months of its approval by Town Council, or no vested right has been obtained, then the property shall revert to its previous zoning classification, or the Planning Director may initiate appropriate action to rezone the affected property to any other classification.

(J) If the use or uses commenced pursuant to a conditional zoning ordinance adopted pursuant to this section are abandoned or discontinued or no vested right has been obtained then the property shall revert to its previous zoning classification, or the Planning Director may initiate appropriate action to rezone the affected property to any other classification.

(K) No variances or conditional use permits may be issued for developments on property that is subject to a conditional zoning ordinance.

5.4-4 Application procedure.

When applying for conditional zoning, the owner shall specify the nature of the proposed development and shall propose conditions to ensure compatibility with the surrounding uses and consistency with adopted plans. Applications for conditional zoning shall be processed, considered, and voted upon using the same procedures and subject to the same requirements as those established in this article for zoning map and zoning text amendments, except as provided below:

(A) The application shall include site plans, landscape plans, building elevations, floor plans, and such other information required to provide the approving bodies with a complete and accurate description of the proposed development.

(B) The application and supporting materials shall be reviewed by the Technical Review Committee in accordance with its procedures for reviewing applications for conditional use permits prior to the meeting of the Planning Board at which the application is to be

considered. The recommendations and comments of the Technical Review Committee shall be reported to the Planning Board. In addition, the Planning Director shall evaluate conditional zoning applications on the basis of the criteria for conditional use permits set out in Article 7, and shall submit said report at the public hearings on said applications.

(C) Following review by the Technical Review Committee, the Jamestown Planning Board shall hold a public hearing on applications for conditional zoning. Notice of the public hearing shall be provided in accordance with the provisions of the requirements of this ordinance for map amendments. After holding the public hearing, the Jamestown Planning Board may recommend approval of the application, including recommending conditions for the zoning; recommend denial of the application; or continue the consideration of the application in order to receive further information regarding the application. In those cases where, upon hearing the application, the Planning Board feels that more information is needed, questions have arisen, or other circumstances occur in which additional time is needed to enable the Board to make a decision, consideration of the application may be continued. The Planning Board may, by majority vote of members present, continue the consideration of the application until the next regularly scheduled Planning Board meeting. The Board shall direct the appropriate person(s) to obtain the needed information, provide answers to questions, etc during this time to enable the Board to make a decision at the next regularly scheduled meeting. The Planning Board shall take action (affirmative or negative recommendation) on continued items at their next regularly scheduled meeting.

(D) Upon receipt of the recommendations from the Planning Board, the Town Council shall hold a public hearing on the application for conditional zoning. Notice of the public hearing shall be provided in accordance with the provisions for public hearings for map amendments as set forth in section 5.3-3 of this Ordinance and the North Carolina General Statutes.

(E) The Town Council's consideration of an application for conditional zoning is legislative in nature, and the Council may consider any relevant information in its deliberations, including the criteria for issuing conditional use permits specified in Article 7. Consideration shall be given to adopted land use plans for the area, small area plans, corridor plans, and other land use policy documents, and to surrounding land uses. The Council may adopt or not adopt a conditional zoning ordinance, or may continue its consideration of the application as necessary or appropriate.

(F) During the adoption of a conditional zoning ordinance, specific conditions may be proposed by the petitioner, Town Council,

Planning Board, or Town staff, but only those conditions mutually approved by Town Council and the petitioner may be incorporated into the zoning regulations and permit requirements. Conditions and site-specific standards imposed in a conditional use district shall be limited to those that address the conformance of the development and use of the site to Town ordinances, 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.

(G) Specific findings of the Town Council are not required for action on an application for conditional zoning. However, a statement analyzing the reasonableness of the proposed rezoning shall be prepared for each conditional use district.

(H) Upon adoption of a conditional zoning ordinance, the official zoning map of the Town of Jamestown shall be amended to add the conditional zoning district. The Planning Director shall maintain a book or file for conditional zoning ordinances, and each conditional zoning ordinance shall be filed therein. Failure to comply with this provision shall not render the ordinance invalid.

(I) The conditional zoning ordinance adopted as provided herein shall be perpetually binding upon the affected property unless subsequently changed or amended as provided for in this Ordinance.

(J) Conditional zoning ordinances are legislative in nature, and judicial review of conditional zoning ordinances shall be as provided by law for zoning ordinances.

ARTICLE 6
VARIANCES AND ADMINISTRATIVE APPEALS

6.1 Variances

6.1-1 Purpose. The variance process administered by the Board of Adjustment is intended to provide limited relief from the requirements of this ordinance in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this ordinance. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this ordinance may impose on property owners in general or to increase the profitability of a proposed development. Rather, it is intended to provide relief where the requirements of this chapter render the land difficult or impossible to use because of some unique physical attribute of the property itself or some other factor unique to the property for which the variance is requested.

6.1-2 Provisions That May Not Be Varied By the Board of Adjustment. In no event shall the Board of Adjustment grant a variance:

(A) With respect to any conditional use permit or conditional zoning district ordinance adopted pursuant to this ordinance.

(B) Which would modify, alter, change, or suspend the special standards and/or conditions set forth in Article 10 of this Ordinance for a use with additional standards or a conditional use.

(C) To the flood protection provisions within a designated floodway district that would result in any increase in the flood levels during the regulatory flood discharge.

(D) Which would permit a use or density not otherwise permitted in the district in which the property is located.

(E) Which would permit a non-conforming use of land, buildings, or structures.

(F) Which would permit the creation of a non-conforming lot except that the Board may grant a variance permitting a reduction in the lot area and dimensional standards, for an individual lot located in residential districts, provided that the variance does not permit a reduction of greater than ten percent (10%) in the required lot area and dimensional standards. Provided further, applications for such variance for additional lot(s) under common ownership shall not be submitted within three (3) years of submittal of the previous application, regardless of the decision of the board on the previous application.

(G) Which would conflict with the North Carolina State Building Code, the North Carolina Fire Prevention Code, or any other state codes unless otherwise authorized by laws and regulations.

6.1-3 Application. The following process shall be followed in applying for a variance:

(A) An application for a variance shall be filed only by the owner of the land affected by the variance or an agent specifically authorized in writing by the owner to file such application.

(B) Before filing the application, the applicant shall meet with the Planning Director to discuss the proposed variance and to become more familiar with the applicable requirements and the variance process.

(C) An application for a variance shall be filed with the Planning Director on a form provided by the Director and contain the information and plans required on the application form.

(D) The application shall be accompanied by a fee as required by the Town of Jamestown.

(E) Once the application is accepted as complete by the Planning Director, the request shall be scheduled for consideration at a public hearing by the Board of Adjustment.

6.1-4 Action By The Board of Adjustment. The following action shall be taken by the Board of Adjustment upon receipt of the completed application:

(A) The Board shall hold a public hearing on the requested variance. At least 10 days before the date of the hearing the Town shall mail written notice of the hearing to all parties in interest and to the owners, as shown on the County tax listing, of abutting property and any other property located within 500 feet of the property in question. A suitable notice also shall be published in the local paper and posted on the Town's website.

(B) In considering the application, the Board of Adjustment shall review the application materials, the staff recommendation, the general purpose and standards set forth in this article for the granting of variances, and all testimony and evidence received by the Board at the public hearing.

(C) After conducting the public hearing, the Board of Adjustment may:

1. Deny the request;
2. Conduct an additional public hearing on the request; or
3. Grant the request. The concurring vote of four-fifths (4/5) of the members of the Board of Adjustment shall be necessary to grant a variance. Any approval or denial of the request shall be accompanied by written findings that the variance meets or does not meet each of the standards set forth in subsection 6.1-6 below or, for flood protection regulation variances, as set forth in Article 18 of this Ordinance.

6.1-5 Conditions Appropriate conditions, which must be reasonably related to the condition or circumstance that results in the need for the variance, may be attached to any approval granted by the Board of Adjustment.

6.1-6 Standards of Review. The Board of Adjustment shall not grant a variance until it makes the following findings:

(A) There are practical difficulties or unnecessary hardships that would result from in the way of carrying out the strict letter of this Ordinance. The Board may reach this conclusion if it finds that:

1. The hardship of which the applicant complains results from unique circumstances related to the applicant's property.
2. The hardship relates to the applicant's property, rather than personal circumstances.
3. The hardship is not the result of the applicant's own actions.

(B) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.

(C) The granting of the variance assures the public safety and welfare and does substantial justice.

6.1-7 Effect of Approval or Denial. Following the decision of the Board of Adjustment, the following actions may be taken:

(A) After the Board of Adjustment approves a variance, the applicant shall follow all appropriate procedures set forth in this ordinance for the receipt of permits, certificates, and other approvals necessary in order to proceed with development.

(B) After the denial of the variance request, the applicant may make application for a rehearing in accordance with Board of Adjustment's rules of procedure.

6.1-8 Duration. The variance may be issued for a limited duration only. Unless otherwise specified, construction or operation shall be commenced within twenty-four (24) months of the date of issuance of a variance, or the variance shall become void.

6.1-9 Appeals. An appeal from any decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Guilford County in the nature of certiorari. Any such petition to the Superior Court shall be filed no later than thirty (30) days after a written copy of the decision of the Board of Adjustment is received by the applicant.

6.2 Appeals of Administrative Decisions

6.2-1 Purpose. Appeals to the Board of Adjustment from the decisions of the administrative staff of the Town of Jamestown are permitted as provided for in this section

6.2-2 Decisions that may be appealed. Any order, requirement, decision, or determination made by an administrative officer charged with enforcing the provisions of this ordinance may be appealed to the Board of Adjustment.

6.2-3 Persons who may file an appeal. Any person aggrieved by the order, requirement, decision, or determination that is the subject of the appeal may bring an appeal to the Board of Adjustment.

6.2-4 Filing of Appeal

(A) The appeal shall be filed with the Planning Director on an application form provided by him/her and contain the information as required on the application form.

(B) The appeal application shall be accompanied by a fee as established by the Town of Jamestown.

(C) The appeal application shall be filed no later than thirty (30) calendar days following notice of a final, biding administrative decision per G.S. 160A-388(b1).

(D) Upon acceptance of the appeal application by the Planning Director, the appeal shall be scheduled for consideration by the Board of Adjustment.

(E) The filing of an appeal shall stay all proceedings in furtherance of the contested action unless the Planning Director certifies to the Board of Adjustment that, in his/her opinion, such a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by the Superior Court of Guilford County on notice to the administrative official from whom the appeal is taken, with due cause shown.

6.2-5 Action by the Board of Adjustment

(A) Upon receiving the appeal application, the Board of Adjustment shall schedule and hold a public hearing on the appeal. At least 10 days before the date of the hearing the Town shall mail written notice of the hearing to all parties in interest and to the owners, as shown on the County tax listing, of abutting property and any other property located within 500 feet of the property in question. A suitable notice shall also be published in the local paper. The public hearing shall be conducted in accordance with the rules of procedure of the Board of Adjustment and in accordance with the North Carolina General Statutes.

(B) Either at the public hearing or at a subsequent meeting, the Board of Adjustment shall adopt an order reversing, affirming, or modifying the contested action.

(C) The Board of Adjustment shall not reverse or modify the contested action unless it finds that the administrative officer erred in the application or interpretation of the requirements of this ordinance.

(D) The Board of Adjustment shall not reverse or modify the contested action unless there is a concurring vote of a majority of the board members.

6.2-6 Effect of reversal or modification. In the event that the Board of Adjustment reverses or modifies the contested action, all subsequent actions taken by administrative officers with regard to the subject matter shall be in accordance with the reversal or modification granted by the Board of Adjustment unless an appeal is taken on the board's decision.

6.2-7 Appeal from Board of Adjustment. Any appeal from the decision of the Board of Adjustment may be made by an aggrieved party and shall be made to the Superior Court of Guilford County in the nature of certiorari. Any such petition to the Superior Court shall be filed no later than 30 days after a written copy of the decision of the Board of Adjustment is received by the applicant.

Article 7
PERMITS AND PROCEDURES

7.1 Permit and/or Approval Required

7.1-1 Approval Required. No person shall undertake any activity subject to this Ordinance without first obtaining approval from the Town. Upon approval of the activity by the Town, a permit shall be issued for the approved activity. Certain permits are issued by agencies other than the Town of Jamestown, as noted below; all other permits are issued by the Town.
The permits and/or approvals required are:

Building Permit (Guilford County Inspections Department issues building permit following issuance of Zoning Permit by the Town of Jamestown)
Certificate of Occupancy (Issued by Guilford County issues upon final inspection and approval by the Town and the County)
Conditional Use Permit
Floodplain Development and Certification Permit
Grading Permit (Issued by the Guilford County Inspections Department following issuance of Zoning Permit by the Town of Jamestown)
Sign Permit
Site Development Plan Approval
Special Event/Temporary Structures Permit
Stormwater
Subdivision Plat Approval
Use with Additional Standards Permit
Watershed Permit (depending upon location of building site.)
Zoning Vested Rights Approval
Zoning Permit (also known as Development Clearance Certificate)

7.1-2 Fees. The Town Council shall establish a Schedule of Fees, Charges and Expenses, and a collection procedure, for approvals and permits. No approval, permit, certificate, variance, etc. shall be issued unless or until such charges have been paid in full.

7.2 Periodic Inspections

The Planning Director shall have the right, upon presentation of proper credentials to enter on any premises within the Town's jurisdiction at any reasonable hour for the purposes of inspection, determination of plan compliance or other enforcement action.

7.3 Permit Expiration

7.3-1 Building Permit Expiration. Under terms of the Town's agreement with Guilford County, the County Inspections Department may void a building permit for a project within the Town limits if the authorized work has not begun within 180 days after issuance of the permit, or work was

commenced but was discontinued for a period of one year.

7.3-2 Grading Permit Expiration. Under terms of the Town's agreement with Guilford County, a grading permit issued by the County Inspections Department is valid for one year unless it is revoked by the Enforcement Officer or the grading project is completed and the appropriate certificates issued by the County.

7.3-3 Other Permit/Approval Expiration. Permits and approvals other than those identified in sections 7.3-1 and 7.3-2 above shall expire as set forth in the process for each permit and/or approval below.

7.4 Certificates Issued by the County

Under terms of the Town's agreement with Guilford County, the County Inspections Department issues certificates of occupancy, temporary certificates of occupancy, certificates of erosion control performance, and certificates of floor elevation/flood proofing upon completion or partial completion of a project permitted by the County.

7.5. Zoning permits (Development Clearance Certificates).

7.5-1 Purpose. A zoning permit shall be required for the construction or development of any new use within the planning and regulation jurisdiction of the Town of Jamestown. In addition to new uses a zoning permit shall also be required for expansions of existing uses, as well as for changes of use. A zoning permit shall also be required for fences to ensure the standards set forth in section 2.13-2 of this Ordinance are met. The procedure set forth below shall be followed to obtain a zoning permit for the construction of single-family and duplex residential development and expansions of uses and changes of use and fences that do not require permits and/or approvals other than a driveway access permit and a soil erosion and sedimentation plan approval, as set forth elsewhere in this Ordinance.

7.5-2 Pre-application procedure. No pre-application conference is required prior to applying for a zoning permit. Applicants are encouraged to call or visit the Planning Department prior to requesting a zoning permit to determine what information is required for the application.

7.5-3 Plan submittal.

(A) Filing of application. An application for a zoning permit may be filed by the owner of the property or by an agent, specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a zoning permit shall be filed with the Planning Director on a form provided by the Director.

(B) Fees. An application fee, as established by the Town of Jamestown, shall be due and payable when the application is

submitted.

(C) Information required. Each application for a zoning permit shall contain the information required on the application form, including a site plan showing the dimensions of the proposed use and its location on the property or site. Other information necessary to show that the use or structure complies with the standards set forth in this Ordinance shall also be provided.

7.5-4 Staff review. The Planning Director shall review the application and determine whether it is complete within ten working days of its submittal. If the application is found to be incomplete, the Planning Director shall notify the applicant of any deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies. The Planning Director shall issue a zoning permit only upon finding that the proposed use or structure satisfies the requirements set forth in this Ordinance.

7.5-5 Public notification. No public notification is required for zoning permit requests.

7.5-6 Formal review. No formal review of zoning permit requests is required. Requests shall be reviewed by appropriate Town staff to assure compliance with all applicable regulations and requirements.

7.5-7 Variances. Requests for variances from the requirements set forth in this ordinance shall be heard by the board of adjustment under the procedures established in Article 6.

7.5-8 Appeals. Appeals of the decisions of the Planning Director shall be heard by the board of adjustment under the procedures established by Article 6.

7.5-9 Permit validity. Upon the approval of a zoning permit, the applicant shall have one year to obtain the required building permit(s). Failure to obtain building permits within this time shall render the zoning permit void. The Planning Director may grant a single extension of this time period of up to six months upon submittal by the applicant of sufficient justification for the extension. Upon issuance of a building permit(s), the zoning permit shall remain valid as long as a valid building permit exists for the project. Any unapproved change in the approved plans shall render the zoning permit invalid.

7.5-10 Violations. Violations of the requirements and conditions of the zoning permit shall be considered a violation of this Ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23.

7.6 Special Events/Temporary Structures permits.

7.6-1 Purpose. To insure that proposed special events and temporary structures comply with the requirements of this Ordinance, no use that is classified as a special event or structure that is classified as a temporary structure and permitted as such in the zoning district in which it is located shall be placed or established on the property without first receiving a special event/temporary structure permit from the Planning Director.

7.6-2 Pre-application procedure. No pre-application conference is required prior to applying for a special event/temporary structure permit. Applicants are encouraged to call or visit the Planning Department prior to requesting a special event/temporary structure permit to determine what information is required for the application.

7.6-3 Plan submittal.

(A) Filing of application. An application for a special event/temporary structure permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent, files the application, the agent shall provide the Planning Director with documentation that the owner of the property has authorized the filing of the application. The application for a special event/temporary structure permit shall be filed with the Planning Director on a form provided by the Director.

(B) Fees. A permit fee, as established by Town of Jamestown, shall be submitted with the application. In addition, a permit shall be obtained from the fire department as required by the fire prevention code.

(C) Information required. Each application for special event/temporary structure permit shall contain the information required on the application form. The application shall be accompanied by a sketch plan showing the boundaries of the property, the use of adjacent properties, the location of the special event or structure on the property, access and parking provisions, restroom facilities, and other information sufficient to show that the special event or structure complies with the standards set forth in Article 15 of this ordinance. Persons seeking issuance of a special event/temporary structure permit for an event shall file an application with a minimum of five (5) days prior to the proposed event date, unless this time frame is reduced by the Planning Director.

7.6-4 Staff review. The Planning Director shall review the application and determine whether it provides the information required. The Planning Director shall issue a special event/temporary structure permit only upon finding that the proposed special event or temporary structure satisfies the requirements set forth in Article 15 of this ordinance.

7.6-5 Public notification. No public notification is required for special event/temporary structure permit requests.

7.6-6 Formal review. No formal review of special event/temporary structure permit requests is required. Requests shall be reviewed by appropriate Town staff to assure compliance with all applicable regulations and requirements.

7.6-7 Variances. Requests for variances from the requirements set forth in this ordinance shall be heard by the board of adjustment under the procedures established in Article 6.

7.6-8 Appeals. Appeals of the decisions of the Planning Director shall be heard by the board of adjustment under the procedures established in Article 6.

7.6-9 Permit validity. The special event/temporary structure permit shall be valid only for the time period stated on the permit.

7.6-10 Violations. Violations of the conditions of the special event/temporary structure permit shall be considered a violation of this ordinance and shall be subject to the enforcement and penalty provisions set forth in Article23.

7.6-11 Public emergencies. In the event of a natural disaster, catastrophic event or public emergency the Town Manager or her/his designee may waive any special event/temporary structure permit procedures and authorize the placement of temporary structures and other facilities that are deemed necessary or desirable in conjunction with the management of the emergency.

7.7. Site Development Plan Review.

7.7-1 Large site development plan review process.

(A) Purpose. The large site development plan review process is required for development projects located within the planning and regulation jurisdiction of the Town of Jamestown which, due to their size, could be expected to have a significant impact upon public services and facilities. This review process is established to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the Town as a whole. Proposed developments involving new construction, additions, renovations, and changes of use which fall into one or more of the following categories are subject to the large site development plan review process:

1. New construction and changes of use.
   - a. Commercial buildings, structures, or developments with a gross floor area of more than 1,000 square feet;
   - b. Office or institutional buildings, structures, or developments with a gross floor area of more than 1,000 square feet;
   - c. Any residential development containing more than 4 individual units.
   - d. Residential subdivisions that result in 5 or more separate lots.
2. Additions with a gross floor area of 50 percent or more of the above threshold for new construction for that land use, or additions with a gross floor area of 25 percent of the above threshold for new construction for that land use if the resulting total gross floor area, when combined with the

existing floor area, would result in a gross floor area meeting or exceeding the above threshold for new construction for that land use if the structure did not previously meet the above threshold. In the case of residential development: additions of 2 or more dwelling units on one parcel of land.

Properties located within 1,500 feet of each other, under the same ownership and/or developed by the same developer over a period of three years or less shall be considered to be one development and reviewed as such.

(B) Pre-application procedure.

1. All applicants for large site development plan review are required to schedule a predevelopment conference with the Planning Director prior to the preparation of development plans. This conference allows the applicant and Planning Director an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plans, landscaping, and development requirements.
2. It is highly recommended that the developer meet with representatives of the neighborhood or area in which the proposed project is to be located. This meeting, which can be held at the pre-application stage, will allow the developer to explain the proposed project and to be informed of the concerns of the neighborhood or area.

(C) Plan submittal.

1. Application required. An application shall be required for all large site development plan review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a conceptual site plan. The conceptual site plan shall contain the following:
   - Property boundaries with dimensions
   - PIN for property
   - Location of adjacent streets and utility easements
   - Dimensioned footprint and setbacks of the existing and proposed structures with gross floor area indicated
   - Location and number of parking spaces
   - Location and size of buffer and landscape areas
   - Location of existing and proposed driveways and/or streets
   - Location of all flood zones (if any)
   - Location of adjoining properties and the zoning and use of these properties
   - Number of stories and overall height of all structures (existing and proposed)
   - Location of proposed stormwater detention facilities
   - Location of existing and proposed dumpster and recycling

containers

- Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc.
- Other information determined by the Planning Director as necessary to evaluate the request.

2. Preparation by professional. Site plans for developments requiring large site development plan review shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina for the work in which he is trained and licensed to perform.
3. Fees. Fees as established by the Town of Jamestown shall be due and payable upon submittal of the application for large site development plan review.
4. Submittal of application. Applications for large site development plan review, with the required copies of the conceptual site plans, shall be submitted to the Planning Director at least 14 days prior to the technical review committee meeting at which they will be considered.

(D) Staff review.

1. Planning Department staff review. Following submittal of the application and site plans for development requiring large site development plan review, they shall be reviewed by the Planning Director for compliance with the requirements of this chapter. Provided the application and site plan are complete, the Planning Director shall schedule the request for review by the Technical Review Committee.
2. Submittal of plans to technical review committee. The Planning Director shall present site plans for developments requiring large site development plan review to members of the technical review committee for review at their next available regular meeting. The technical review committee shall review the site plans for compliance with existing federal, state, and local laws and regulations. This review shall be made by the members of the technical review committee and by any other agencies or officials as required.

(E) Action by technical review committee. Provided the application and conceptual site plan are complete, the technical review committee shall take action within ten working days of reviewing the conceptual site plan.

1. Approval. If the conceptual site plan is approved, the Planning Director shall notify the applicant and provide letter of approval and an approved zoning permit for the

project.

2. Conditional Approval. If the conceptual site plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The Planning Director shall review the revised plan. If it meets all of the approval conditions, the conceptual site plan shall be approved and the Planning Director shall notify the applicant and provide letter of approval and an approved zoning permit for the project.
3. Denial. If the conceptual site plan is denied, the reasons for denial shall be provided to the applicant in writing. The site plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this section. Denial by the TRC shall be considered final action on the request unless, within 30 days from receiving the written action of the TRC, the applicant revises the plan to address the reasons for denial or appeals the decision of the TRC by providing written notice to the Planning Director. The applicant may revise the site plan to address the reason for denial and resubmit the revised plan or the applicant may appeal the decision of the TRC to the Board of Adjustment. The applicant may not resubmit the revised site plan and appeal the TRC decision. Up to four (4) submittals of a revised submittal/site plan may be submitted without payment of additional review fees. Any submittal after the fourth submittal may be required to be accompanied by an additional review fee, at the discretion of the TRC, as established pursuant to this ordinance.
4. Continuance. If the conceptual site plan is tabled or the review is continued, the reasons for the tabling or continuance shall be provided to the applicant in writing. The applicant shall address the reasons for tabling or continuance and the conceptual site plan shall be reviewed and action taken at the next technical review committee meeting, unless all parties agree to another time.
5. Timing. The TRC shall make its decision within ten working days of reviewing the application and site plan.

(F) Public notification. The Planning Director shall prepare a public notice as described herein below which indicates the official receipt of an application and conceptual plan for large site development approval. This will serve to encourage public involvement in development projects in Jamestown. This notice for publication shall include the following:

- Brief description of the large site development project proposed;
- The time, date, and place at which the request will be

considered; and

- Contact information for staff receiving comments concerning the proposed large site development project.

The notice shall be posted in a conspicuous place at Town Hall, on the Town's website, or a combination of these two, at least five days prior to the date on which the application is to be considered. The applicant is encouraged to conduct a neighborhood meeting to inform nearby property owners of their intentions for development. Should the applicant not hold a neighborhood meeting to discuss the proposed project, as described in section 7.7-1(B)2 above, this notice also shall be mailed to the owners of abutting property and any other property located within 500 feet of the property in question at least ten days before the date on which the request is to be considered. A sign stating the above information shall be posted on the subject property ten days before the date on which the application is to be considered if the recommended neighborhood meeting is not held.

(G) Formal review. Applications for large site development plan review are not subject to review before a board or commission other than the Technical Review Committee.

(H) Variances. Variances from the requirements of this ordinance for developments requiring large site development plan approval shall be considered by the board of adjustment in accordance with the procedures set forth in Article 6.

(I) Appeals. Appeals of decisions of the technical review committee regarding developments requiring large site development plan approval shall be heard by the Board of Adjustment in accordance with the procedures set forth in Article 6 of this Ordinance.

(J) Permit validity. Approval of site plans and permits for developments requiring large site development plan review shall be valid for two years from the date of approval. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the site development plan approval void. The Planning Director may grant a single extension of this time period of up to six months upon submittal by the applicant of sufficient justification for the extension.

(K) Violations. Violations of the approved site development plan shall be considered a violation of this ordinance and subject to the enforcement and penalty provisions of Article 23 of this ordinance.

7.7-2 <u>Small site development plan review process</u>.

(A) Purpose. The small site development plan review process is required for development projects within the planning and regulation jurisdiction of the Town of Jamestown and its extraterritorial jurisdiction involving new construction, additions,

renovations, and changes of use which do not meet the requirements of the large site development plan review processes as set forth in subsection 7.7-1.A., but do fall into one or more of the following categories:

1. All new developments not meeting the threshold for large site development plan review, except residential projects containing not more than one dwelling units;
2. Additions with a gross floor area of 100 square feet or more (excluding single-family and duplex residential units);
3. Additions that displace existing parking;
4. Additions that generate the need for more parking;
5. Renovations which exceed 50 percent of the assessed value of the building, as determined by the Guilford County Tax Assessor;
6. Changes of use.
7. Properties located within 1,500 feet of each other, under the same ownership and/or developed by the same developer over a period of three years or less shall be considered to be a single development and reviewed as such.

(B) Pre-application procedure. A predevelopment conference with the Planning Director prior to the preparation of development plans is recommended. This conference introduces the applicant to the review process and the information required on the site plans, landscaping, development standards, and to the contact persons for services and permits.

(C) Plan submittal.

1. Application required. An application shall be required for all small site development plan review requests. This application shall contain pertinent information regarding the proposed project and shall be accompanied by a conceptual site plan. The conceptual site plan shall contain the following:
   - Property boundaries with dimensions
   - PIN for property
   - Location of adjacent streets and utility easements
   - Dimensioned footprint and setbacks of the existing and proposed structures with gross floor area indicated
   - Location and number of parking spaces
   - Location and size of buffer and landscape areas
   - Location of existing and proposed driveways and/or streets
   - Location of all flood zones (if any)
   - Location of adjoining properties and the zoning and use of these properties
   - Number of stories and overall height of all structures (existing and proposed)
   - Location of proposed stormwater detention facilities
   - Location of existing and proposed dumpster and recycling

containers

- Generalized depiction or description of natural features on and immediately adjoining the site, including streams and other water bodies, steep slopes, areas covered by tree canopy, etc.
- Other information determined by the Planning Director as necessary to evaluate the request.

The application and conceptual site plan shall be submitted to the Planning Director.

2. Fees. Fees as established by the Town of Jamestown shall be due and payable upon submittal of the application for small site development plan review.
3. Submittal of application. Applications for small site development plan review, with six copies of the site plans, shall be submitted to the Planning Director. Applications may be submitted at any time.

(D) Staff review.

1. Planning Department staff review. Following submittal of the application and site plans for development requiring small site development plan review, they shall be reviewed by the Planning Director for compliance with the requirements of this chapter. Provided the application and site plan are complete, the Planning Director shall provide copies of the site development plan to other Town staff for review for compliance with the requirements of this ordinance and other applicable ordinances and laws.
2. Action by reviewing departments. Provided the application and site plan are complete, all Town staff reviewing the small site development plan shall take action within ten working days of receipt by the staff of the application.
3. Approval. If the small site development plan is approved by a reviewing Town staff person, that staff person(s) shall issue an approval to the Planning Director stating any conditions of the approval. Upon completion of review by all affected Town staff, the Planning Director shall notify the applicant that the reviewing Town staff has completed its review and issued an approval, with any appropriate conditions, for those elements for which the Town is responsible. Notification may be by telephone, facsimile transmission, electronic mail, the Internet, United States mail, or by private mail, wire or messenger service. In all cases, a written copy of the approval along with any conditions shall be attached to the permit released to the applicant by the Planning Department. The applicant may then proceed with obtaining zoning, building, construction, and other required permits.

4. Denial. If approval of the small development site plan is denied, the Planning Director shall notify the applicant in writing of the reasons for denial. Upon notification of denial, the applicant may revise the plan to address the reasons for denial and resubmit it for review or appeal the decision in accordance with the provisions of this ordinance Denial by the Planning Director shall be considered final action on the request unless, within 30 days from receiving the written notice of denial, the applicant revises the plan to address the reasons for denial or appeals the decision by providing written notice to the Planning Director. The applicant may revise the site plan to address the reason for denial and resubmit the revised plan or the applicant may appeal the decision of the Planning Director to the Board of Adjustment. The applicant may not resubmit the revised site plan and appeal the decision. Up to four (4) submittals of a revised submittal/site plan may be submitted without payment of additional review fees. Any submittal after the fourth submittal may be required to be accompanied by an additional review fee, at the discretion of the Planning Director, as established pursuant to this ordinance.

(E) Public notification. Public notice shall not be required for small site development plan review requests.

(F) Formal review. Applications for small site development plan review are not subject to formal review.

(G) Variances. Requests for variances from the requirements of this ordinance for developments requiring small site development plan review shall be considered by the board of adjustment in accordance with the procedures set forth in Article 6.

(H) Appeals. Appeals of decisions of the Planning Director regarding the small site development plan review process shall be heard by the board of adjustment in accordance with the procedures set forth in Article 6.

(I) Permit validity. Approval of the site plan for projects requiring small site development plan review shall be valid for two years from the date of approval. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the site plan approval void. The Planning Director may grant a single extension of this time period of up to six months upon submittal by the applicant of sufficient justification for the extension.

(K) Violations. Violations of the approved site development plan for developments requiring small site development plan review shall be considered a violation of this ordinance and subject to the enforcement and penalty provisions of Article 23.

7.8. Conditional use approvals.

7.8-1. Purpose. Conditional uses are established to provide for the location of those uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and the Town of Jamestown as a whole, require individual consideration of their location, design, configuration, and/or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare. Any use identified in Article10 of this ordinance as a conditional use in a zoning district shall not be permitted without the approval of the Town Council in accordance with the requirements and procedures set forth in this section 7.8.

7.8-2. Pre-application procedure.

(A) Conference. Every applicant for a conditional use is required to meet with the Planning Director in a pre-application conference prior to the submittal of a request for approval of a conditional use. The purposes of this conference are to provide additional information regarding the review process and assistance in the preparation of the application.

(B) Neighborhood meeting. It is highly recommended that the developer meet with representatives of the neighborhood in which the proposed conditional use will be located. This meeting, which should be held at the pre-application stage, will allow the developer to explain the proposed use and to be informed of the concerns of the neighborhood.

7.8-3. Plan submittal.

(A) Filing of application. An application for a conditional use permit may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a conditional use permit shall be filed with the Planning Director on a form provided by the Director.

(B) Fees. A permit fee, as established by the Town of Jamestown Town Council shall be submitted with the application.

(C) Information required. Each application for a conditional use permit shall contain all information identified as required by the Planning Director. The application shall be accompanied by at least 4 copies of a site plan containing all information required by the Planning Director. The application and site plans must be submitted at least 14 days prior to the Technical Review Committee meeting at which it will be reviewed.

7.8-4. Staff review.

(A) Planning Director review. Following submittal of the application and site plans for the conditional use, they shall be reviewed by the Planning Director for compliance with the requirements of this chapter. Provided the application and site plan are complete, the Planning Director shall schedule the request for review by the Technical Review Committee.

(B) Submittal of plans to Technical Review Committee ("TRC"). The Planning Director shall present the site plans for the conditional use to the TRC at its next regular meeting. The TRC shall review the site plan for compliance with existing federal, state, and local regulations. This review shall be made by the members of the TRC and by any other agencies or officials as determined by the Planning Director.

(C) Action by Technical Review Committee. Upon submittal and review of a complete application for a conditional use permit, the TRC may make one of the following recommendations:

1. Approval. If the TRC recommends approval, the Planning Director shall forward the recommendation and the conditional use application to the Jamestown Planning Board for review.
2. Approval with conditions. If the TRC recommends approval with conditions, the applicant may revise the plan to meet the conditions of the approval and resubmit it. The revised plan shall be reviewed by the Planning Director and, if it meets all of the conditions, the conditional use application shall be scheduled for a public hearing at the next available meeting of the Jamestown Planning Board. If the plan is not revised to meet conditions within 60 days after action by the TRC or the applicant does not request a review by the Planning Board by providing written notice to the Planning Director, the request shall be deemed denied.
3. Denial. If the TRC recommends denial of the request, the reasons for denial shall be provided in writing to the

applicant. The site plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. A recommendation for denial by the TRC shall be considered final action on the request unless, within 30 days from receiving the written recommendation of the TRC, the applicant requests a public hearing by providing written notice to the Planning Director. The applicant may revise the site plan to address the reason for denial and resubmit the revised plan or the applicant may appeal the decision of the TRC to the Planning Board. The applicant may not resubmit the revised site plan and appeal the TRC decision. Up to four (4) submittals of a revised submittal/site plan may be submitted without payment of additional review fees. Any submittal after the fourth submittal may be required to be accompanied by an additional review fee, at the discretion of the TRC, as established pursuant to this ordinance.

4. Timing. The TRC shall make its recommendation within ten working days of reviewing the application and site plan.

7.8-5. Formal review.

(A) Public hearing. Upon receipt of a notice from the Planning Director or the applicant requesting a public hearing on the application and site plan for a conditional use permit, a public hearing shall be scheduled. A public hearing before the Jamestown Town Council shall be held for all conditional use permit applications

(B) Action by Jamestown Planning Board

1. Review of conditional use permit request. A public meeting on those conditional use applications reviewed by the TRC shall be scheduled by the Jamestown Planning Board following recommendation for approval by the TRC or upon receipt of a request for review from the applicant. The Jamestown Planning Board shall consider the request within 35 days of receiving information regarding the conditional use permit application from the Planning Director.
2. Recommendation by Jamestown Planning Board. Upon submittal and review of a complete application for a conditional use permit, the Planning Board may make one of the following recommendations:
   a. Approval. If the Planning Board recommends approval, the Planning Director shall forward the

recommendation and the conditional use application to the Jamestown Town Council for review.

b. Approval with conditions. If the Planning Board recommends approval with conditions, the applicant may revise the plan to meet the conditions of the approval and resubmit it. The revised plan shall be reviewed by the Planning Director and, if it meets all of the conditions, the conditional use application shall be scheduled for a public hearing at the next available meeting of the Jamestown Town Council. If the plan is not revised to meet conditions within 60 days after action by the Planning Board or the applicant does not request a review by the Town Council by providing written notice to the Planning Director, the request shall be deemed denied.

c. Denial. If the Planning Board recommends denial of the request, the reasons for denial shall be provided in writing to the applicant. The site plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. A recommendation for denial by the Planning Board shall be considered final action on the request unless, within 30 days from receiving the written recommendation of the Planning Board, the applicant requests a public hearing by providing written notice to the Planning Director. The applicant may revise the site plan to address the reason for denial and resubmit the revised plan or the applicant may appeal the decision of the Planning Board to the Town Council. The applicant may not resubmit the revised site plan and appeal the Planning Board decision.

3. Timing. The Planning Board shall make its recommendation within ten working days of reviewing the application and site plan.

(C) Action by the Jamestown Town Council.

1. Review of conditional use permit request. A public hearing on those conditional use applications reviewed by the Jamestown Planning Board shall be scheduled by the Jamestown Town Council following action by the Planning Board. The Jamestown Town Council shall consider the request within 35 days of receiving information regarding the conditional use permit application from the Planning Director.

2. Decision by Town Council. The Jamestown Town Council, after conducting the public hearing, may: (1) deny approval; (2) table the application pending submittal of additional information; or (3) approve the proposed conditional use permit.

(D) Findings and Conditions. In granting the permit, the Council shall find:

1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. That the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations;
3. That the use or development is located, designed, and proposed to be operated so as not to substantially injure the value of adjoining or abutting property, or that the use or development is a public necessity; and
4. That the use or development will be in harmony with the area in which it is to be located and conforms with the general plans for the land use and development of Town of Jamestown and its environs.

There shall be competent, material, and substantial evidence in the record to support these conclusions and the Town Council must find that all of the above exist or the application will be denied.

(E) Additional Conditions. In granting the special use permit, the Town Council may designate only those conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting at which the special use permit is granted, on the special use permit itself, and on the approved plans. All specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns.

The minutes of the Jamestown Town Council shall state if the proposed conditional use meets or does not meet each of the conditions set forth in section 7.8-5.(D), the standards set forth in Article 10 of this ordinance for the proposed conditional use, and all other requirements set forth by this ordinance for the proposed conditional use. The decision on the conditional use application shall be by a simple majority vote of those members of the Jamestown Town Council present at the meeting at which the action is taken.

7.8-6. Transfer of approval. A conditional use approval is not transferable from one property to another, but may be transferred to a subsequent owner of the property.

7.8-7. Resubmission of denied applications. No application for approval of a conditional use shall be filed with or accepted by the Planning Director that is identical or substantially similar to an application that has been denied by the Jamestown Town Council within one year of the final action by the Town Council denying the request. This waiting period may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths of the members of Town Council.

7.8-8. Public notification. Notice of public hearings or public meetings required under this section for conditional use approvals shall be provided in accordance with the requirements established by the North Carolina General Statutes for public meeting notification. In addition, the Planning Director shall prepare a public notice as described herein below which indicates the official receipt of an application and site plan for a conditional use permit approval. This will serve to encourage public involvement in development projects in Jamestown. This notice for publication shall include the following:

- Brief description of the conditional use project proposed;
- The time, date, and place at which the request will be considered; and
- Contact information for staff receiving comments concerning the proposed conditional use.

The notice shall be posted in a conspicuous place at Town Hall, on the Town's website, or a combination of these two, at least five days prior to the date on which the application is to be considered. The applicant is encouraged to conduct a neighborhood meeting to inform nearby property owners of their intentions for development. Should the applicant not hold a neighborhood meeting to discuss the proposed project, as described in section 7.8-2(B) above, this notice also shall be mailed to the owners of abutting property and any other property located within 500 feet of the property in question at least ten days before the date on which the request is to be considered. A sign stating the above information shall be posted on the subject property ten days before the date on which the application is to be considered if the recommended neighborhood meeting is not held.

7.8-9. Project phasing. If a project approved as a conditional use is to be developed in phases, a master plan for the entire development site must be approved by the Jamestown Town Council at the same time and in the same manner the conditional use permit application is considered.

(A) Final plans for phases of the conditional use may be submitted in

stages and shall be approved by the Planning Director provided that the following requirements are met:

1. All stages shall be shown with precise boundaries on the master plan and shall be numbered in the expected order of development.
2. Each phase must be able to exist independently of subsequent phases by meeting all applicable laws and regulations as if the phase were a separate project.
3. All the data required for the project as a whole shall be given for each stage shown on the plan.
4. A proportionate share of the open space and common facilities shall be included in each stage of the development.
5. The phasing shall be consistent with the traffic circulation, drainage, and utilities plan for the entire master plan for the conditional use.
6. Each phase of the conditional use must comply with any and all conditions attached to the approval of the conditional use permit by the Jamestown Town Council.

7.8-10. Variances. In issuing conditional use permits, the Jamestown Town Council may prescribe dimensional requirements (height, setback, etc.) that are different from the requirements of the corresponding general zoning classification, and may prescribe development and design standards that are different from those set out in Article 9; provided, that any request for a modification to a dimensional requirement or development and design standard that is less restrictive than would be applicable for the underlying general zoning classification must be specifically described in any notices required for the public hearing on the conditional use permit application, and must be set out separately in any ordinance issuing said conditional use permit, together with an explanation of the reason for the modification. Except as modified pursuant to this paragraph, all standards and requirements applicable to the underlying general zoning district must be met. Variances to the standards established by any conditional use permit shall not be allowed.

7.8-11. Appeals. An appeal from the decision of the Jamestown Town Council regarding a conditional use application and site plan may be made by an aggrieved party and shall be made to the Superior Court of Guilford County in the nature of certiorari. Any such petition to the Superior Court shall be filed with the court no later than 30 days after a written copy of the decision of the Town Council is received by the applicant.

7.8-12. Permit validity. Approvals of a conditional use application and site plan shall be valid for two (2) years from the date of approval by the Jamestown Town Council. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the conditional use approval void. The Planning Director may grant a single extension of this

time period of up to six (6) months upon submittal by the application of sufficient justification for the extension.
Permits for the phased development of a conditional use project shall remain valid for the time approved by the Jamestown Town Council as part of the conditional use approval of the master plan for the conditional use.

7.8-13. Failure to Comply with Plans or Conditions. In the event of failure to comply with the plans approved by the Town Council or with any other conditions imposed upon the conditional use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this conditional use permit shall be issued. If a failure to comply with conditions in a conditional use permit occurs after occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation. No earlier than five days after the receipt of the written notice, the body issuing the conditional use permit may issue a finding of fact that a violation of the requirements of this ordinance exists. If such finding of fact is made, it shall be unlawful for any person, firm or corporation to continue the conditional use until the responsible party makes the necessary corrections and the Town Council conducts a public hearing and finds that the violation no longer exists.

7.8-14. Violations. Violations of the conditional use permit or of any of the conditions attached to the approval shall be considered a violation of this ordinance and subject to the enforcement and penalty provisions of Article23 of this ordinance.

7.9. Uses with Additional Standards.

7.9-1. Purpose. Uses with additional standards are uses permitted by right, provided that the additional standards set forth in section 10.1 of this ordinance are met. The additional standards are intended to ensure that the uses fit the intent of the zoning districts within which they are permitted, and that the uses are compatible with other development permitted within the zoning districts. Review and approval of these uses are handled by the Planning Director, who has no discretion to modify the additional standards.

7.9-2. Pre-application procedure. A pre-application conference is not required for approval of uses with additional standards. Applicants are encouraged, however, to contact the Planning Director to discuss the additional standards.

7.9-3. Plan submittal.

(A) Filing of application. An application for a permit for a use with additional standards may be filed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application. The application for a permit for a use with additional standards shall be filed with the Planning Director on a form provided by the Director.

(B) Fees. A permit fee, as established by the Town of Jamestown Town Council, shall be submitted with the application.

(C) Information required. Each application for a permit for a use with additional standards shall contain all information required by the Planning Director. The application shall be accompanied by a site plan meeting the requirements for site plans as established by the Planning Director.

7.9-4 Staff review. The Planning Director shall review the proposed use and determine if the additional standards for that use have been met. If the additional standards have been met, the use shall be approved. Failure to meet all the additional standards shall result in denial of a permit for the proposed use. The Planning Director shall approve or deny the proposed use with additional standards or request more information, if needed, within ten working days of submittal. If the application is found to be incomplete, the Planning Director shall notify the applicant of any deficiencies. No further steps will be taken to process the application until the applicant corrects the deficiencies. The Planning Director shall approve the use only upon finding that the proposed use satisfies all applicable requirements set forth in this ordinance.

7.9-5 Public notification. Public notification is not required.

7.9-6 Formal review. Formal review of the application by an elected/appointed board or committee is not required.

7.9-7 Variances. Variances from the additional standards constitute "use variances" and shall not be permitted.

7.9-8 Appeals. Appeals of decisions of the Planning Director regarding applications for a use with additional standards shall be heard by the Board of Adjustment under the procedures established in Article 6.

7.9-9 Permit validity. The permit for a use with additional standards shall be valid for one year from the date of its issuance. Failure to initiate construction or otherwise begin the permitted use within this time shall

render the permit void. The Planning Director may grant a single extension of this time period of up to six months upon submittal by the applicant of sufficient justification for the extension.

7.9-10 Violations. Failure to establish or maintain the additional standards is considered a violation of this ordinance and shall subject the offender to the enforcement and penalty provisions of Article 23 of this ordinance.

7.10. Sign permits.

7.10-1 Purpose. In order to regulate the provision of sign standards and sign restrictions within the planning and regulation jurisdiction of the Town of Jamestown, it shall be unlawful to erect or maintain any sign or sign structure without first obtaining a sign permit.

7.10-2 Pre-application procedure. There is no pre-application procedure for sign permits.

7.10-3 Application submittal.

(A) Filing of application.

1. An application for a sign permit may be filed by the owner of the property or sign or by an agent specifically authorized by the owner to file such application. The application for a sign permit shall be filed with the Town of Jamestown Planning Department on a form provided by the Department.
2. Sign contractor's license. No person shall engage in the business of erecting or maintaining signs in the Town of Jamestown unless said person has been issued a sign contractor's license which has not expired at the time said work is done. This requirement shall be interpreted to exclude those persons who construct and erect a principal use identification sign when that sign is used at that person's place of business, provided all construction and installation is properly permitted and inspected for compliance with the applicable building codes of the Town of Jamestown and other sections of this ordinance.

(B) Fees. A permit fee as established by the Town of Jamestown shall be submitted with the application. Work performed without a permit shall be subject to a late fee. When any permit has been revoked under the terms of this ordinance, the permit fees shall not be refunded. If a sign permit is denied, however, the permit fee will be refunded.

(C) Information required. Each application for a sign permit shall be accompanied by complete information as required by the Planning Director and shall include, without being limited to, a site plan and elevation drawings of the proposed sign, a drawing of the building facade indicating the proposed location of the sign (if the sign is to

be attached to a building), height, dimensions and square footage of the proposed sign and any other data as the Planning Director may determine to be necessary for review of the application.

7.10-4 Staff review. Provided the application is complete, the Planning Director shall review the application and determine whether it is complete within ten working days of its submittal. If the application is incomplete, the Planning Director shall notify the applicant of any deficiencies. No further steps shall be taken to process the application until the applicant corrects the deficiencies. The Planning Director shall issue a permit only upon finding that the proposed sign or sign structure satisfies the requirements of Article 17.

7.10-5 Public notification. No public notification is required for sign permit requests.

7.10.6 Formal review. No formal review of sign permit requests is required.

7.10-7 Variances. Requests for variances from the requirements for signs set forth in this chapter shall be heard by the Board of Adjustment under the procedures established by Article 6.

7.10-8 Appeals. Appeals of the decisions of the Planning Director shall be heard by the Board of Adjustment under the procedures established by Article 6.

7.10-9 Permit validity. Upon issuance of a sign permit, the applicant will have six months to commence work on the approved signage, after which the permit shall automatically become null and void. The Planning Director may grant a single 30-day extension of time within which operations must be started or resumed. All requests for such extensions and approval thereof shall be in writing.

7.10-10 Violations. Violations of the conditions of a sign permit shall be considered a violation of this ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23 of this ordinance.

7.11 Subdivision Plat Approval.

7.11-1 Major subdivisions.

(A) Purpose. The major subdivision review process is required for those divisions of land as described below. Review and approval of the preliminary plat by the Technical Review Committee is required under the major subdivision review process, with review and approval of the final plat by the Planning Director. Any of the following is a major subdivision:

- a non-residential subdivision;
- a residential subdivision involving four (4) or more lots;
- a residential subdivision requiring new public or private street(s) for access to interior property;
- a residential subdivision requiring extension of public sewer

or water line,

- a residential subdivision requiring a modification or variance from any requirement of this Ordinance

(B) Pre-application procedure.

1. Conference. It is required that every applicant for a major subdivision meet with the Planning Director in a conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval.
2. Sketch plan. A sketch plan shall be submitted to the Planning Director prior to or at the pre-application conference meeting the requirements for a sketch plan set forth in Appendix 4. Upon submittal of the sketch plan, the Planning Director shall conduct an initial review to determine whether the proposed subdivision is a major subdivision.
3. Neighborhood meeting. It is highly recommended that the developer meet with representatives of the neighborhood in which the proposed subdivision is to be located. This meeting, which should be held at the pre-application stage, will allow the developer to explain the proposed subdivision and to be informed of the concerns of the neighborhood.

(C) Preliminary plat/site plan submittal.

1. Preliminary Plat(s) required. A preliminary plat(s) for a proposed major subdivision shall be prepared by a professional land surveyor, licensed landscape architect, or licensed engineer and shall be prepared in accordance with the standards established by the Town of Jamestown set forth in Appendix 4.
2. Filing of application. A complete application packet containing all information as required by the Town of Jamestown shall be submitted according to the established schedule prior to the Technical Review Committee meeting at which they are to be reviewed.
3. Public notification. The Planning Director shall prepare a public notice as described herein below which indicates the official receipt of an application and preliminary plat for major subdivision approval. This notice for publication shall include the following:
    a. Brief description of the major subdivision proposed;
    b. The time, date, and place at which the request will be considered; and
    c. Contact information for staff receiving comments concerning the proposed subdivision.

    The notice shall be posted in a conspicuous place at Town

Hall, on the Town's website, or a combination of these two, at least five days prior to the date on which the application is to be considered. The applicant is encouraged to conduct a neighborhood meeting to inform nearby property owners of their intentions for development. Should the applicant not hold a neighborhood meeting to discuss the proposed subdivision, as described in section 7.11-1(B)3. above, this notice also shall be mailed to the owners of abutting property and any other property located within 500 feet of the property in question at least ten days before the date on which the request is to be considered. A sign stating the above information shall be posted on the subject property ten days before the date on which the application is to be considered if the recommended neighborhood meeting is not held.

Where municipal water and/or sewer are not available, the Planning Director shall send a copy of the plat to the County Health Department for review.

4. Review at Technical Review Committee. The preliminary plat of a proposed major subdivision shall be reviewed by the Planning Director and other Town staff for compliance with these subdivision regulations. The Planning Director shall then present the preliminary plat of major subdivisions to the Technical Review Committee ("TRC") at the next regular meeting of the TRC following receipt of the preliminary plat. For purposes of this section, the TRC is designated as a planning agency of the Town of Jamestown. The TRC shall review the preliminary plat for compliance with existing applicable regulations. If the preliminary plat is approved the applicant may proceed with infrastructure construction and final plat approval. If the preliminary plat is not approved, the TRC shall set forth in writing the reasons for denying approval of the plat. The applicant may revise the plat and resubmit it. The revised plat shall be reviewed by the Planning Director, and if it is revised in accordance with the directions provided by the TRC the preliminary plat shall be presented at the next regular meeting of the TRC. If the plat is not revised within 60 days to comply, it shall be deemed denied; provided, however, the Planning Director may extend the time period for compliance upon a showing by the applicant that additional time is needed to comply. Such notice for a request to extend the time period must come to the Planning Director in writing prior to the 60 day grace period expiring. If 60 days lapses between the time the TRC has returned plats/plans to the applicant or applicant's agent, it shall be deemed denied and the applicant must reapply. Such reapplication shall require the

repayment of fees.

5. Appeals. Actions taken by the TRC with respect to preliminary plats, or a failure by the TRC to take action within 35 days after it has received a preliminary plat, may be appealed to the Jamestown Planning Board, which shall conduct a public hearing on the question of approval of the preliminary plat. Notice for said public hearing shall be provided in accordance with the procedure for notification set forth in section 7.11-1(C)3 above.
6. Permit validity. Approval of the preliminary plat for major subdivisions shall be valid for two years from the date of approval by the Town of Jamestown Technical Review Committee. The final plat for the major subdivision shall be presented for approval prior to the end of this two-year period. Phased subdivisions shall be exempt from this time limit as set forth in section 7.11-1(E)2 below.

(D) Final plat. The final plat of a major subdivision shall be reviewed by the Planning Director for compliance with the requirements of this ordinance and for conformity with the approved preliminary plat. Substantial changes from the preliminary plat, as determined by the Planning Director, shall require an additional review by the technical review committee, as determined by the Planning Director, to ensure compliance with existing regulations. No final plat shall be approved by the Planning Director until all improvements are installed or their execution guaranteed as permitted by this Ordinance and all certificates required for final plats by this Ordinance or approvals by state law have been properly completed and signed. The Final Plat shall be prepared in compliance with the requirements set forth in the checklist for Final Plats found in Appendix 16. Provided the final plat is complete, and no further review is determined to be required, the Planning Director shall act on the final plat of major subdivisions within ten working days of receipt of the plat. The Planning Director is authorized to approve the Final Plat and to grant approval for recording and acceptance of dedications. Following final plat approval, the applicant shall record the plat for a major subdivision in accordance with this subsection.

(E) Signatures and recordation.

1. Signatures. Upon approval of a final plat for major subdivisions, the plat shall be signed in the appropriate place by the Planning Director and by the owner(s). All signatures must be original signatures (not stamps) and shall be notarized by a licensed notary public. Additionally, approval shall be shown by a Certificate of Approval for recording.
2. Recordation. A final plat for major subdivisions shall be recorded by the Town of Jamestown in the office of the register of deeds for Guilford County in compliance

with North Carolina General Statutes within 60 days following approval by the Town of Jamestown. No subdivision plat shall be considered finally approved until the plat has been recorded. If the final plat of all or part of the area shown on an approved preliminary plat for a major subdivision is not recorded in the office of the register of deeds within two years of the approval by the Town of the preliminary plat, the preliminary plat shall be resubmitted to the Planning Department for consideration following the process set forth in this chapter. Final plats for subdivisions developed in phases shall be recorded in accordance with the schedule presented by the applicant during the preliminary plat approval and approved as part of the preliminary plat approval process.

(F) Appeals. If final plat approval for a major subdivision is denied, the applicant may appeal the decision to the Planning Board. Such an appeal must be taken within 30 days after denial.

(G) Fees. For all categories of subdivision, fees as established by the Town of Jamestown shall be due and payable when the application is submitted.

7.11-2 Minor subdivisions**.**

(A) Purpose. The minor subdivision review process is required for those divisions of land described below. Review and approval of the preliminary and final plat by the staff permits a speedy review while ensuring that the proposed subdivision meets all requirements established by the Town of Jamestown. A minor subdivision is a residential subdivision that:

- involves three (3) or fewer lots fronting on an existing approved public street(s), and
- does not require any new public or private street(s) for access to interior property, and
- does not require extension of public sewage or water line, and
- does not require a modification or variance from any requirement of this Ordinance.

(B) Pre-application conference. It is recommended that every subdivision applicant meet with the Planning Director in a conference prior to the submittal of a subdivision plat. The purpose of this conference is to provide clarification and assistance in the preparation and submission of plats for approval.

(C) Plat submittal.

1. Plat required. Plats for minor subdivisions shall be prepared by a professional land surveyor in accordance

with the standards set forth by the Planning Department and applicable state standards.

2. Filing of application. Plats and a complete application packet containing all information established by the Planning Department for minor subdivisions shall be submitted to the Planning Director and may be presented at any time.

(D) Staff review. The plat for a proposed minor subdivision shall be reviewed by the Planning Director for compliance with these subdivision regulations. The review shall also include compliance by the plat with other ordinances and regulations of the Town of Jamestown. The plat shall be prepared in compliance with the requirements set forth in the checklist for final plats found in Appendix 16. Provided the application is complete, the Planning Director shall take action on the plat of the proposed minor subdivision within ten working days of its submittal. Following approval, the applicant shall record the plat for a minor subdivision in accordance with this subsection.

(E) Public notification. No public notification is required for minor subdivision review.

(F) Final plats approval.

1. Recordation and signatures.

a. Signatures. Upon approval of a plat for minor subdivisions, said plat shall be signed in the appropriate place by the Planning Director and by the owner(s). All signatures must be original signatures (not stamps) and shall be notarized by a licensed notary public. Additionally, approval shall be shown by a Certificate of Approval for recording.

b. Recordation. A plat for minor subdivisions shall be recorded by the Town of Jamestown in the office of the register of deeds for Guilford County within 60 days following approval by the Planning Director. No plat shall be considered finally approved until the plat has been recorded. No lots in a subdivision shall be sold prior to approval by the Planning Director and recording of a plat for the subdivision.

(G) Permit validity. Minor subdivision plats which have been granted approval shall be recorded as set forth in section 7.11-2.F above within 60 days following approval or the approval becomes invalid.

(H) Appeals. Decisions of the Planning Director with regard to minor subdivisions may be appealed to the Jamestown Planning Board. Such an appeal must be made within 30 days of the receipt of the decision by the property owner. The appeal shall be in writing and delivered to the Planning Department.

(I) Fees. For all categories of subdivision, fees as established by the

Town of Jamestown shall be due and payable when the application is submitted.

7-12. Floodplain development and certification permit.

7.12-1 Purpose. No approval shall be granted for construction in an area designated as a special flood hazard area as shown on the Flood Insurance Rate Maps (FIRM) for the Town of Jamestown, as provided by the Federal Emergency Management Agency, and also adjoining lands, which, because of their characteristics, the Town determines as being susceptible to flooding or determines as being susceptible to flooding or damage by flooding until the requirements of Article 18 of this ordinance are met. Procedures for assuring compliance with these requirements are set forth below.

7.12-2 Pre-application procedure. Developers are encouraged to meet with the Planning Director, who is hereby designated as the Floodplain Administrator, prior to submitting an application for development in the designated flood hazard area. This will provide developers with the opportunity to obtain information regarding details of the application process and of regulations affecting development within special flood hazard areas.

7.12-3. Plan submittal.

(A) Application required. Application for a floodplain development permit shall be made to the Planning Department prior to performing grading, development, or construction on lands designated as special flood hazard areas. Applications shall be made on forms furnished by the Planning Director, shall provide all requested information, and shall be accompanied by a site plan. The application, with all requested information, and site plan shall be provided to the Planning Director.

(B) Plan required. A site plan drawn to scale shall be provided with the application for a floodplain development permit. The site plan shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

1. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
2. The boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in this section, or a statement that the entire lot is within the special flood hazard area;
3. Flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 18.2-3(B)
4. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 18.2-3(B);

5. The base flood elevation (BFE) where provided as set forth in Sections 18.2-3(B) or 18.6
6. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;
7. Certification of the plot plan by a registered land surveyor or professional engineer.
8. Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
   a) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
   b) Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be flood-proofed; and
   c) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
9. If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(C) A Foundation Plan, drawn to scale, shall be submitted with the application. The foundation plan shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

1. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
2. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 18.5-(4)(c), when solid foundation perimeter walls are used in Zones A, AE, and A1-30;

(D)Usage details of any enclosed areas below the regulatory flood protection elevation.

(E) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

(F) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

(G) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 18.5-6(B) of this ordinance are met.

(H) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

7.12-4. Preparation by Professional. Plats, plans, designs, calculations, working drawings, and specifications for work shall be prepared by an authorized registered professional properly registered and licensed in North Carolina for the work in which they are engaged.

7.12-5. Fees. Fees, as established by Town of Jamestown, shall be due and payable when the application is submitted.

7.12-6. Submittal of Plans. Applications for floodplain development and certification permits, with all required information, shall be submitted to the Planning Director. All review(s) shall be coordinated by the Planning Director.

7.12-7. Staff Review.

(A) Town staff review. Following submittal of the application and accompanying data, the information shall be reviewed by appropriate Town staff for compliance with the requirements of this ordinance

(B) Submittal of applications to Board of Adjustment. Applications for projects requiring variances as set forth in Article 6 shall initially be heard by the Technical Review Committee, as established under this ordinance, for review and recommendation. The matter shall then be submitted to the Board of Adjustment and scheduled for review by the Board at their next available meeting.

7.12-8. Public Notification. Notice of public hearings or public meetings for review of a request for a variance from the requirements of this section shall be provided in accordance with the provisions of set forth in Article 6 for the hearing of a variance request.

7.12-9. Formal Review - Projects Requiring Variances Only.

(A) Review by Board of Adjustment. The Board of Adjustment shall consider requests for variances as provided for by Article 6.

(B) Timing. Provided the application is complete, the Board of Adjustment shall arrive at a decision on a request for a variance within 30 days after its hearing on the request. In granting variances the Board of Adjustment may attach appropriate conditions and safeguards which promote the objectives of this ordinance.

7.12-10. Variances. Variances from the requirements of this section shall be heard by the Board of Adjustment as set forth in Article 6.

7.12-11. Appeals. Appeals from decisions of the Planning Director shall be heard by the Board of Adjustment. An appeal shall be filed, in writing, within 30 days of the date action is taken by the Planning Director. Decisions of the Board of Adjustment may be appealed to the Superior Court of Guilford County as provided by Article 6.

7.12-12 Permit Requirements. The Floodplain Development and Certification Permit shall include, but not be limited to:

(A) A description of the development to be permitted under the floodplain development permit.

(B) The Special Flood Hazard Area determination for the proposed development per available data specified in Section 18.2-3(B).

(C) The regulatory flood protection elevation required for the reference

level and all attendant utilities.

(D) The regulatory flood protection elevation required for the protection of all public utilities.

(E) All certification submittal requirements with timelines.

(F) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(G) The flood openings requirements, if in Zones A, AE, or A1-30.

(H) Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

7.12-13. Certification of Floor Elevation/Floodproofing. When a property is located in a flood hazard area or when a structure is flood proofed, a certificate shall be provided in accordance with thee following standards.

(A) Elevation Certificates.

(1) An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Planning Director a certification of the elevation of the reference level, in elation to mean sea level. The Planning Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

(2) An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the Planning Director a certification of the elevation of the reference level, in relation to mean sea level. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Planning Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or failure to make required corrections shall be cause to issue a stop work order for the project.

(3) A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Planning Director a certification of final as-built construction of the elevation of the reference level and all attendant utilities.

The Planning Director shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(B) Floodproofing Certificate. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Planning Director a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Planning Director shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

7.12-14. Permit validity. Permits for construction activity in designated flood hazard areas shall be valid for one year. Failure to initiate construction, or otherwise begin the permitted use, within this time shall render the permit void.

7.12-15. Violations. Violations of the requirements for construction and development activity in designated flood hazard areas shall be considered a violation of this ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23 of this ordinance.

Section 7.13 Stormwater discharge permits.

7.13-1. Purpose. To insure that development undertaken in the Town does not result in increased stormwater runoff which adversely impacts adjacent property, no development to which this ordinance applies, pursuant to the standards set forth in Articles 19 and 20, shall be commenced without the issuance of a stormwater discharge permit by the Stormwater Administrator.

7.13-2. Pre-application Procedure. Although a pre-application conference is not required, applicants are encouraged to contact both the Town's Planning Director and the Town’s Public Services Director prior to submitting their

application to discuss the project.

7.13-3. Plan Submittal.

(A) Application required. An application for a stormwater discharge permit shall be made by, or on behalf of, the owner(s) or developer(s) of the site for which a permit is sought. The application shall be filed with the Planning Director on a form supplied by the Planning Director, and signed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application.

(B) Submittal of plan. A minimum of three (3) copies of a complete and detailed stormwater management plan, including detailed design plans and construction specifications, for stormwater management facilities; the exact location of any stormwater management facility; and the proposed location of any access easement(s) shall be submitted to the Planning Director.

The stormwater management plan shall be prepared by a registered professional engineer, architect, or landscape architect registered, licensed, or certified pursuant to the North Carolina General Statutes and authorized by law to prepare the analysis, plans, and specifications, and provide the certifications required by the various provisions of this subsection.

(C) Fees. The appropriate stormwater discharge permit application fee, as established by the Town of Jamestown, shall be due and payable when the application is submitted.

7.13-4 Staff review.

(A) Town Staff review. Upon receipt of the stormwater discharge permit application and stormwater management plan, the appropriate Town staff shall conduct a review of the application and plan to insure that they meet the requirements of this ordinance.

(B) Review period. The Town staff shall have 30 working days after receipt of a stormwater discharge permit application and stormwater management plan to review the application and plan and notify the applicant of the status of the review.

(C) Issuance of stormwater permit. Stormwater discharge permits shall be issued in the name of the applicant(s) and no permit shall be transferred or assigned without the written consent of the Town.

7.13-5. Public Notification. No public notification is required for stormwater discharge permit requests and stormwater management plan review.

7.13-6. Formal Review. Formal review of stormwater discharge permit requests and stormwater management plans before a board or commission is not required.

7.13-7. Variances. No variances shall be granted from the requirements that a stormwater discharge permit be obtained and a stormwater management plan be approved prior to initiating any development activity subject to the

stormwater management regulations set forth in Articles 19 and 20 of this ordinance.

7.13-8. Appeals. Appeals from the decisions of the Town staff regarding stormwater discharge permits including, but not limited to, denial, suspension, assessment of civil penalties, revocation and interpretation, shall be made to the Jamestown Town Council. The Town Council shall conduct a hearing to review the information regarding an appeal in order to make a determination as to whether the requirements set forth in this ordinance and other applicable regulations have been met. The applicant must submit a written demand for a hearing to the Town Clerk within 30 days following receipt by the applicant of the denial, suspension, revocation, interpretation or other decision of the Town staff from which the appeal is taken. The Town Council shall schedule the hearing for appeal as soon as the Council deems reasonably practicable. At the hearing, the applicant may be represented by an attorney. The Town Council may affirm, modify, or reverse any decision of the Town staff. Appeals from the decisions of the Town Council shall be to the Superior Court of Guilford County, shall be in nature of certiorari, and shall be filed with the court within 30 days of the applicant's receipt of the decision of the Town Council.

7.13-9 Permit Validity. When a stormwater discharge permit is issued in association with a project requiring a building permit, the stormwater discharge permit shall expire upon the expiration or revocation of the building permit. When a stormwater discharge permit is issued for a project which does not require a building permit, the stormwater discharge permit shall expire if work is not initiated within 12 months of the date of issuance of the permit or if work stops for a 12-month period.

7.13-10. Violations. Violations of the stormwater management regulations and of any conditions attached to a stormwater discharge permit shall be subject to the enforcement and penalty provisions set forth in Article 23 of this ordinance.

7.14 Watershed Permit

7.14-1 Purpose. To ensure that development undertaken in the Town does not adversely impact designated watersheds within the Town, no development to which this ordinance applies, pursuant to the standards set forth in Article 19, shall be commenced without the issuance of a watershed permit by the Planning Director.

7.14-2 Pre-application Procedure. Although a pre-application conference is not required, applicants are encouraged to contact the Town's Planning Director prior to submitting their application to discuss the project.

7.14-3 Plan Submittal.

(A) Application required. An application for a watershed permit shall be made by, or on behalf of, the owner(s) or developer(s) of the site for

which a permit is sought. The application shall be filed with the Planning Director on a form supplied by the Planning Director, and signed by the owner of the property or by an agent specifically authorized by the owner to file such application. Where an agent files the application, the agent shall provide documentation that the owner of the property has authorized the filing of the application.

(B) Submittal of plan. Three copies of complete and detailed plans for the proposed development activity proposed for the property, containing all the information as set forth in Article 19 shall be submitted to the Planning Director.

The plan shall be prepared by a registered professional engineer, architect, or landscape architect registered, licensed, or certified pursuant to the North Carolina General Statutes and authorized by law to prepare the analysis, plans, and specifications, and provide the certifications required by the various provisions of this ordinance.

(C) Fees. The appropriate watershed permit application fee, as established by the Town of Jamestown, shall be due and payable when the application is submitted.

7.14-4. Review.

(A) Technical Review Committee review. Upon receipt of the watershed application and required plan(s), the Planning Director shall review the application and plan(s) to ensure that they are complete and all required information is provided. Provided the application and Plan(s) are complete, the Planning Director shall forward them to the Technical Review Committee, who shall conduct a review of the application and plan(s) to ensure that they meet the requirements of the Watershed Protection standards (Article 19) of this ordinance. Any other review of the proposed development required by this ordinance shall be conducted as provided for herein.

(B) Review period. The Technical Review Committee shall schedule the review of the water shed permit application and plan(s) for its first available meeting following g the receipt of the application and plans. The review shall be conducted as provided for in Article 19 of this ordinance.

(C) Issuance of watershed permit. Upon review and approval of the watershed permit application and plan(s) by the Technical Review Committee, a watershed permit shall be issued for the proposed development.

7.14-5. Public notification. No public notification is required for the review of watershed permit applications and plans.

7.14-6. Formal review. Formal review of stormwater discharge permit requests and stormwater management plans before a board or commission is not required.

7.14-7. Variances.

(A) Minor variances. The Technical Review Committee shall review and decide requests for minor variances to the standards and restrictions

pertaining to Watershed Protection Overlay Districts in accordance with the procedures set forth in Article 19.

(B) Major Variances. Requests for major variances to the standards and restrictions pertaining to Article 19 (Watershed Protection) shall be to the N.C. Environmental Management Commission (EMC), following review and favorable recommendation by Town Council and after review and recommendation by the Technical Review Committee in accordance with the procedure set forth in Article 19. The major variance request shall be forwarded to the EMC with a report containing the findings of fact for Town Council's favorable recommendation, conclusions of law, a recommended decision, recommended conditions and a record of the Council's hearing of the request. Requests for major variances that do not receive a favorable recommendation shall be deemed denied and shall not be forwarded to the EMC.

7.14-8. Appeals. Appeals from a decision of the Technical Review Committee with regard to decisions relative to watershed development plans shall be to the Jamestown Town Council provided that the appeal is made by the applicant within thirty (30) days of the decision. The Town Council shall conduct a hearing to review the information regarding an appeal in order to make a determination as to whether the requirements set forth in this ordinance and other applicable regulations have been met. The applicant must submit a written demand for a hearing to the Town Clerk within 30 days following receipt by the applicant of the denial, suspension, revocation, interpretation or other decision of the Town staff from which the appeal is taken. The Town Council shall schedule the hearing for appeal as soon as the Council deems reasonably practicable. At the hearing, the applicant may be represented by an attorney. The Town Council may affirm, modify or reverse any decision of the Town staff. Appeals from the decisions of the Town Council shall be to the Superior Court of Guilford County, shall be in nature of certiorari, and shall be filed with the court within 30 days of the applicant's receipt of the decision of the Town Council.

7.14-9. Permit Validity. When a watershed permit is issued in association with a project requiring a building permit, the watershed permit shall expire upon the expiration or revocation of the building permit. When a watershed permit is issued for a project which does not require a building permit, the watershed permit shall expire if work is not initiated within 12 months of the date of issuance of the permit or if work stops for a 12-month period

7.14-10. Violations. Violations of the watershed protection regulations and of any conditions attached to a watershed permit shall be subject to the enforcement and penalty provisions set forth in Article 23 of this ordinance.

7.15 Zoning Vested Rights Approval.

7.15-1 Purpose. The zoning vested right is a right which is established pursuant to N.C. Gen. Stat. sec. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan. Upon issuance of a building permit, the expiration provisions of N.C. Gen. Stat. sec. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section 7.15 is outstanding. Obtaining site plan approval or preliminary plat subdivision approval through the vested rights procedure gives the applicant the right to start construction of the development as approved within two years of approval. A vested right is obtained:

(A) automatically when a conditional use permit is granted by virtue of Town Council approval of a conditional use rezoning;

(B) automatically when a conditional use permit is granted by virtue of approval of a conditional use by the appropriate body;

(C) automatically when a subdivision plat is approved and the plat recorded in accordance with the procedure set forth in this ordinance; and

(D) when the Town Council approves a site specific development plan submitted by a developer in conjunction with an application for a zoning permit with vested rights as described below.

7.15-2. Application procedure.

(A) Pre-Application Conference. The applicant for site plan approval with vested rights shall meet with the Planning Director to inquire about specific zoning requirements and obtain the proper application forms. The applicant and the Planning Director shall discuss the site plan review process and applicable meetings and deadlines. In addition, the Planning Director shall advise the applicant of the specific requirements the project needs to address and discuss other aspects of the vested rights procedure.

(B) Plan submittal.

1. Filing of application. In order to apply for site plan review under the vested rights procedure, the applicant must indicate his/her intent to obtain vested rights in the form of a letter to the Planning Director. The letter shall include the property address, Guilford County Tax Office parcel identification number, name of the property owner, and any other pertinent information.

2. Site plan required. Site plans, prepared in accordance with the standards set forth by the Town of Jamestown, shall be

submitted when applying for vested rights. The standards for the site plan to be submitted depend upon the particular review process and are specified in the procedure section for the particular review process.

3. Fees. An application fee as established by the Town of Jamestown shall be submitted with the application.

7.15-3. Staff review. The Planning Director shall review the application and accompanying site plan(s) for compliance with the requirements of this ordinance and other applicable regulations. After review and approval through the appropriate staff level review process, the request for vested rights will be scheduled for a public hearing before the Jamestown Town Council. The public hearing will be scheduled as provided by the Town Council's rules of procedure.

7.15-4. Public notification. Notice of public hearings or public meetings required under this section for zoning vested rights approval shall be provided in accordance with the provisions of the North Carolina General Statutes.

7.15-5. Formal review. Requests for vested rights for site plans shall be scheduled for review at the next regular meeting of the Jamestown Town Council following approval by staff and/or the applicable advisory boards. At this time, the Town Council shall hold a public hearing to review the site plan and evaluate its conformance with the requirements of this ordinance and other applicable requirements of the Town of Jamestown. In considering an application for site plan approval with vested rights, the Town Council shall give due regard to whether issuance of the permit would serve the purpose and intent of this ordinance, secure public safety and welfare, and do substantial justice. If the Council should find, after public hearing, that the proposed permit should not be granted, the permit should be denied. If the Town Council finds that the request meets the requirements stated above, it then shall take one of the following actions:

(A) Approve the site plan with vested rights request. The Planning Director is then directed to issue a vested rights zoning permit.

(B) Approve the site plan with vested rights request subject to conditions which are necessary to protect the public health, safety, and welfare. The Planning Director is then directed to issue the vested rights zoning permit subject to the changes in the site plan to be made by the developer.

(C) Table the site plan with vested rights request pending the submittal of additional information.

7.15-6. Findings. In granting a zoning permit with vested rights the Town Council shall make the following affirmative findings:

(A) The use requested is among those permitted in the district in which the property is located and complies with all the requirements of this and other applicable ordinances;

(B) The requested permit is either essential or desirable for the public convenience or welfare;

(C) The requested permit will not impair the integrity or character of

the surrounding or adjoining districts and will not be detrimental to the health, safety, or welfare of the community; and

(D) Adequate utilities, access roads, drainage, sanitation an/or other necessary facilities have been or are being provided.

7.15-7. Additional Restrictions and Requirements. In granting a zoning permit with vested rights, the Town Council may impose such additional restrictions and requirements upon the permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured and substantial justice done. Approval of a site specific development plan with the condition that a variance or modification be obtained shall not confer a vested right unless and until the necessary variance or modification is obtained. If all requirements and conditions are accepted by the applicant, the Town Council shall authorize the issuance of the permit; otherwise the permit shall be denied. Any permit so authorized shall remain vested for two years from the date of the action granting the permit. No change or amendment to any zoning permit with vested rights shall be made except after public hearing and except as provided for in this ordinance for the original issuance of such permit. If, at the time of consideration of a proposed change or amendment to an existing permit, the permit or proposed change or amendment could not be lawfully made under ordinance conditions existing at that time, the proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the two-year time period for which the development right is vested. Nothing herein shall exempt plans related to the permit from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approvals.

7.15-8. Variances. Variances from the procedures and requirements for obtaining vested rights as set forth in section 7.15 of this ordinance shall not be permitted. Requests for variances from the development standards established by this ordinance shall be heard by the Board of Adjustment under the procedures established by Article 6 of this ordinance.

7.15-9. Appeals. Aggrieved parties may seek appropriate relief as allowed by law.

7.15-10. Permit validity. A zoning right that has been vested as provided in section 7.15 shall remain vested for a period of two years from the date the permit is issued. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approving authority at the time the amendment or modification is approved. A zoning permit, conditional use permit, or subdivision approval shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding. A vested right shall terminate under the termination conditions as specified

in subsection 7.15-7 of this ordinance.

7.15-11. Violations. Violations of the terms and/or conditions of the vested rights approval shall be considered a violation of this ordinance and shall be subject to the enforcement and penalty provisions set forth in Article 23 of this ordinance. In addition, the Town Council may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.

7.15-12. Status at Expiration of Term. A right which has been vested shall terminate at the end of the two-year vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions of G.S. 160A-418 and G.S. 160A-422 shall apply except that a building permit shall not expire or be revoked because of the running of time while a vested right under this Article is outstanding. Any development constructed pursuant to a zoning permit with vested rights for which the vested term has expired and which is not in conformance with all the terms of the ordinance because of changes made in the provisions of this ordinance, including the zoning map, after the issuance of the permit shall be subject to the provisions of this ordinance relating to non-conformities the same as any other nonconformity.

7.15-13. Annexation Declaration. Any landowner who signs an annexation petition to the Town pursuant to G.S. 160A-31 or G.S. 160A-58.1 shall, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under G.S. 160A-385.1 or G.S. 153A-344.1. If the statement declares that such rights have been established, the Town may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established by law shall be binding on the landowner and any such vested right shall be terminated.

7.16. Notices and Public Hearings

7.16-1 General notice requirements.

(A) All notices which this chapter requires for public hearings or public meetings shall identify the date, time and place of the public hearing/public meeting and the nature and character of the proposed action. Where the action being taken concerns a particular property or properties, the notice shall also identify the location of the subject property.

(B) Where specific notice requirements are set forth in the North Carolina General Statutes for a particular type of public hearing, the requirements set forth in the North Carolina General Statutes shall be followed. Where these requirements conflict with procedures as stipulated in this subsection or elsewhere in this chapter, the

requirements contained in the North Carolina General Statutes will control.

7.16-2. Notice procedure. The following guidelines detail the notification procedure to be followed for public hearings or public meetings required by this chapter unless otherwise set forth in this chapter. Failure to follow procedures set forth in this section, other than those required by the North Carolina General Statutes, shall not affect the validity of any action taken at a public hearing or public meeting.

(A) Published notice. Notice for public meetings or public hearings required by this chapter shall be published in a newspaper of general circulation no later than ten days prior to the date on which the application is to be considered.

(B) Mailed notice. First class mailed notice for public meetings or public hearings required by this chapter shall be provided to owners of all properties located within 500 feet of the subject property as said owners are shown on the Guilford County tax listings. Such notice shall be mailed no later than ten days before the scheduled date of the hearing.

(C) Posted notice. A sign (or signs) providing information concerning a public hearing or public meeting required by this chapter will be posted on property which is the subject of said hearing/meeting no later than ten days before the date on which the hearing or meeting is to occur. The sign(s) shall be prominently placed on the subject parcel or on an adjacent public street or highway right-of-way. When multiple parcels are involved, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons.

7.16-3. Special notice requirements for telecommunications towers/structures. For any public hearing for conditional use applications for telecommunication towers and concealed telecommunication support structures, as required by section 10.3 hereinafter, additional notice and public hearing requirements shall be provided as set forth in section 10.3 of this chapter.

ARTICLE 8
ZONING DISTRICTS

8.1 Purpose

In order to provide for the orderly development of Jamestown, preserve existing development patterns that contribute to the character and sense of place of the community, and to allow for creativity in the planning for future development, the Town hereby establishes zoning districts and their associated development standards.

8.2 Zoning Districts Created

The following districts are created; this listing is in order of intensity of development permitted within the district, from least intense to most intense:

- Agriculture (AG)
- Parks and Recreation (PNR)
- Single Family Residential (SFR)
- Multi-Family Residential (MFR)
- Residential/Main Street Transitional (R/MST)
- Commercial/Main Street Transitional (C/MST)
- Main Street Periphery (MSP)
- Main Street (MS)
- Civic (CIV)
- Commercial (C)
- Bypass (BD)
- Industrial (IND)

In addition to the standard zoning districts, the following overlay districts are created to provide for more creativity in the development of land and/or to protect unique features of the Town:

- Traditional Neighborhood Development Overlay (TND)
- Cluster Development Overlay(CDO)
- Scenic Corridor Overlay (SCO)
- Campus Overlay (CO)

8.3 Description of Zoning Districts

The zoning districts created by this ordinance are described as follows:

The Agriculture District (AG) is established to protect lands used for agricultural production and related activities. Farm land is a defining element of Jamestown's identity and the protection of these lands aids in preserving the character of the

Town. Permitted uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential development. The Agriculture District can also be used to protect open spaces.

The Parks and Recreation District (PNR) is intended primarily for Town-owned properties utilized, or planned for, public parks and recreation facilities. Allowed building/lot types in this district are Urban Workplace and Civic. Properties in this district are primarily for use and enjoyment by the public as open space and/or recreation facilities and may include golf courses, public parks, trails, and other similar open spaces.

The Single Family Residential District (SFR) provides for the completion of existing residential neighborhoods and the development of new residential neighborhoods in a pattern that encourages the wise use of land. Allowed building/lot types in the Single Family District are Detached House and Civic Building. Permitted uses are restricted to single family homes and their accessory uses, a limited number of related uses that serve the residential neighborhoods, and civic uses. Neighborhoods in this district are the dominant land use in Jamestown and are a major element in defining the character of the community. Standards for the Single Family Residential District ensure that new development maintains the character of the community. The Single Family Residential District permits the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Town of Jamestown prior to the effective date of these regulations. For new subdivisions, the Town encourages the clustering of development and protection of open space though the use of the Cluster Development Overlay District.

The Multi-Family Residential District (MFR) ensures the conformity of existing multifamily residential neighborhoods and provides for the development of new multi-family residential neighborhoods in a pattern that encourages the wise use of land. Allowed building/lot types in the Multi-Family District are Attached House and Multifamily. Neighborhoods in this district consist primarily of currently existing multi-family developments. Standards for the Multi-Family Residential District ensure that new development maintains the character of the community. The Multi-Family Residential District permits the completion and conformity of existing multi-family residential subdivisions already existing or approved in preliminary plat or sketch plan form by the Town of Jamestown prior to the effective date of these regulations. For new subdivisions or multi-family developments, the Town encourages the clustering of development and protection of open space though the use of the Cluster Development Overlay District.

The Residential /Main Street Transitional District (R/MST) provides for primarily infill residential development in the existing residential area(s) surrounding the Main Street Periphery District and its logical extensions. The intent of this district is to allow for a gradual transformation of existing low-density single

family development to high quality medium-density residential development, as a higher density residential development is needed to support the growing town center. Higher density residential development allows a greater number of households to walk or bike to the town center, thus reducing the parking demand in the downtown and providing environmental and health benefits. Allowed building/lot types in this district are the Detached House, Attached House, and Civic Building. Streets in the Residential/Main Street Transitional District should be interconnected, with streets and sidewalks providing a connection from Jamestown's downtown to the Single Family Residential districts. A range of housing types is encouraged.

The Commercial/Main Street Transitional District (C/MST) is established to accommodate existing and proposed uses located along that portion of West Main Street located to the west of the downtown between Dillon Road and Scientific Street. Development in this district accommodates a range of uses in a single-family home style development pattern, transitioning from the Main Street Districts to residential districts and commercial districts. Allowed building/lot types are Single Family Detached and Civic Building. Standards in the Commercial/Main Street Transitional District are established to encourage new development, revitalization, reuse, and infill development in a manner that accommodates a range of uses while preserving historic development patterns and being sensitive to the adjacent districts. A range of uses, including retail, office, and residential, is permitted.

The Main Street Periphery District (MSP) provides for the development and maintenance of a range of uses in areas adjacent to Jamestown's downtown. Allowed building/lot types in this district are Shopfront, Multi-Family cluster, Detached House, Attached House and Civic Building. In this district, the development pattern integrates retail, office, civic, educational, religious, and residential uses in an environment that is pedestrian friendly while acknowledging the role of the automobile as a means of transportation. Street and sidewalk networks providing multi-modal transportation options connect the Main Street Periphery District to the downtown and to surrounding neighborhoods. The Main Street Periphery District provides an area for the expansion of the Main Street District.

The Main Street District (MS) provides for new development, revitalization, reuse, and infill development in Jamestown's traditional downtown. A broad array of uses is permitted to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shopfront, Detached House and Civic Building. The development pattern seeks to integrate shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be

expanded over time to meet the needs of the growing community for downtown facilities and services.

The Civic District (CIV) provides a location for large educational, medical, and public uses in a campus like environment. Large developments in the Civic District are encouraged to provide a master plan to the Town and request approval of the Campus Overlay District designation. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses.

The Commercial District (C) is established to provide for uses in areas where the dominant mode of transportation is the automobile. The auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments. Allowed building/lot types are Highway Commercial and Civic Building. Dominant uses in this district are retail and office. The Commercial District is expected to serve Jamestown residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to ensure safety for the motoring public. Development standards in the Commercial District ensure the creation of a pleasant auto-oriented environment while enabling a compatible transition to uses in adjacent districts.

The Bypass District (B) is established to provide opportunities for compatible and sustainable development along the future Jamestown Bypass. Access to buildings in this district is provided through a secondary street network. The secondary street network is both auto-oriented and pedestrian oriented. Development standards in the Bypass District acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along the secondary street network. Goals of the Bypass District include providing a pleasant environment for motorists, a safe environment for pedestrians along the secondary streets; ensuring the safety of motorists and pedestrians; and preserving the capacity of the Bypass to accommodate high traffic volumes at high speeds. Uses in this district include services, employment, residential and industrial. Allowed building/lot types include Urban Workplace, Shopfront Commercial, Multi-Family Cluster, Attached House and Civic Building.

The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other districts. The Industrial District is reserved for uses which require very large buildings and/or

large parking and loading facilities. Allowed building and lot types are Highway Commercial and Civic Building.

The Traditional Neighborhood Development Overlay District (TND) provides for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the town, and has an overall residential density of 4 to 12 dwelling units per acre. TND districts should have a significant portion of land dedicated to open spaces.

The Cluster Development Overlay District (CDO) permits buildings to be clustered or grouped on a site, parcel, or property in order to optimize the use of land and resources. By clustering development, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features, efficiently providing infrastructure such as water, sewer, and streets, and organizing buildings on a site in a manner that promotes efficient multi-modal transportation. The Cluster Development Overlay District mandates the dedication of open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped areas of the Town and in already developed areas with low building value to land value ratios. Allowed building/lot types are Multi-Family, Detached House, Attached House, and Civic Building.

The Scenic Corridor Overlay District (SCO) is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Town. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Jamestown's community character and sense of place. The Scenic Corridor Overlay District provides development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the rural character of the Town by maintaining the sense of a rural corridor in an urban environment; provide an aesthetically appealing experience for those traveling the corridor; provide multi-modal transportation options for travel; and ensure a safe transportation corridor for motorists, bicyclists, and pedestrians. The Detached House lot/building type is allowed in this district.

The Campus Overlay District (CO) is established to enable large institutional uses such as colleges, secondary schools, and medical facilities to develop their

campuses in accordance with a master plan. Basic standards are established for the campus master plan, which, upon approval by the Town of Jamestown, shall become the regulating plan for the development of the campus. Pedestrian access and interconnected streets within the campus are guiding principles within the Campus Overlay District. The Civic Building and Urban Workplace are the allowed lot/building types in this overlay district. To the extent possible, buildings should front on the internal street system.

8.3.1 Permitted Use Schedule.

(A) *Tabulation of Permitted Uses:* Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Permitted Use Schedule, Table 8-1 (Appendix 24). In the appropriate columns of Table 8-1 uses permitted by right in the various districts are indicated with a "P", uses requiring a Conditional (Special) Use Permit are indicated by an "C", uses permitted by right subject to meeting additional development standards as set forth in Article 10 (Uses With Additional Standards and Conditional Uses) are indicated with a "S".

(B) *Formulation of Permitted Use Schedule:*

1) The *Standard Industrial Classification Manual--1987* was utilized in the preparation of this table and shall be referred to as a guide for purposes of interpretation by the Enforcement Officer. SIC codes are used to refer to SIC Classifications. Entries with 0 or left blank in the Reference SIC column do not correspond to any classification in the *SIC Manual.*

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

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

4) If a facility involves two (2) (or more) activities with different SIC codes on the same zone lot, the facility shall be permitted only in those zoning districts where the more restricted activity is permitted.

8.4 Zoning District Development Standards

The following development standards are established for each of the zoning districts to ensure the orderly development of the Town of Jamestown.

8.4-1 Agriculture District (AG)

(A) Intent. The Agriculture District (AG) is established to protect lands used for agricultural production and related activities. Farm land is a defining element of Jamestown's identity and the protection of these lands aids in preserving the character of the Town. Permitted uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential development. The Agriculture District can also be used to protect open spaces.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Detached house

(D) Permitted Accessory Uses

Accessory Dwelling Units (subject to additional standards, see section 10.1)

Accessory Structures

Fences

Home Occupations (subject to additional standards, see section 10.1)

(E) Permitted Residential Density

0.20 units/acre

(F) General Requirements

1. Building placement, parking placement, building type, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building type permitted in the Agriculture District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Agriculture District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot Side Yard
5 acres	50’	35’	25’	25’	35’

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H) Parking and Landscaping**.** Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-2 Single Family Residential District (SFR)

(A) Intent. The Single Family Residential District (SFR) provides for the completion of existing residential neighborhoods and the development of new residential neighborhoods in a pattern that encourages the wise use of land. Allowed building/lot types in the Single Family District are Detached House and Civic Building. Permitted uses are restricted to single family homes and their accessory uses, a limited number of related uses that serve the residential neighborhoods, and civic uses. Neighborhoods in this district are the dominant land use in Jamestown and are a major element in defining the character of the community. Standards for the Singe Family Residential District ensure that new development maintains the character of the community. The Single Family Residential District permits the completion and conformity of conventional residential subdivisions already existing or approved in preliminary plat or sketch plan form by the Town of Jamestown prior to the effective date of these regulations. For new subdivisions, the Town encourages the clustering of

development and protection of open space though the use of the Cluster Development Overlay District.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table8.1)

2. Uses permitted with additional standards

See Table of Uses (Table8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Detached house

Civic Building

(D) Permitted Accessory Uses

Accessory Dwelling Units (subject to additional standards, see section 10.1)

Accessory Structures

Fences

Home Occupations (subject to additional standards, see section 10.1)

(E) Permitted Residential Density

4 units/acre

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Single Family Residential District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Single Family Residential District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot Side Yard
10,000 SF.	60’	15’	25’	6’	15’or as required by buffering standards and/or building type

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-3 Multi-Family Residential District (MFR)

(A) Intent. The Multi-Family Residential District (MFR) provides for existing multifamily residential neighborhoods and the development of new multi-family residential neighborhoods in a pattern that encourages the wise use of land. Allowed building/lot types in the Multi-Family District are Attached House and Multifamily. Neighborhoods in this district consist primarily of currently existing multi-family developments. Standards for the Multi-Family Residential District ensure that new development maintains the character of the community. The Multi-Family Residential District permits the completion and conformity of existing multi-family residential subdivisions already existing or approved in preliminary plat or sketch plan form by the Town of Jamestown prior to the effective date of these regulations. For new subdivisions or multi-family developments, the Town encourages the clustering of development and protection of open space though the use of the Cluster Development Overlay District.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Multifamily

Attached House

(D) Permitted Accessory Uses

Accessory Structures

Fences

Home Occupations (subject to additional standards, see section 10.1)

(E) Permitted Residential Density

6 units/acre

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Multi-Family Residential District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Multi-Family Residential District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot Side Yard
7,000 SF.	50’	20’	5’	5’, (0 if attached)	15’or as required by buffering standards and/or building type

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-4 Residential/Main Street Transitional District (R/MST)

(A) Intent. The Residential /Main Street Transitional District provides for primarily infill residential development in the existing residential area(s) surrounding the Main Street Periphery District and its logical extensions. The intent of this district is to allow for a gradual transformation of existing low-density single family development to high quality medium-density residential development, as a higher density residential development is needed to support the Jamestown’s growing downtown. Higher density residential development allows a greater number of households to walk or bike to the town center, thus reducing the parking demand in the downtown and providing environmental and health benefits. Allowed building/lot types in this district are the Detached House, Attached House, Multifamily, and Civic Building. Streets in the Residential/Main Street Transitional District should be interconnected, with streets and sidewalks providing a connection from Jamestown’s downtown to the Single Family Residential districts. A range of housing types is encouraged.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Attached House

Detached House

Civic Building

(D) Permitted Accessory Uses

Accessory Dwelling Units (subject to additional standards, see section 10.1)

Accessory Structures

Fences

Home Occupations (subject to additional standards, see section 10.1)

(E) Permitted Residential Density

8 units/acre

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Residential/Main Street Transitional District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Residential/Main Street Transitional District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot Side Yard
5000 SF	50’	15’	15’	6’	10’ or as required by buffering standards and/or building type

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-5 Commercial/Main Street Transitional District (C/MST)

(A) Intent. The Commercial/Main Street Transitional District is established to accommodate existing and proposed uses located along that portion of West Main Street located to the east of the downtown between Dillon Road and Scientific Street. Development in this district accommodates a range of uses in a single-family home style development pattern, transitioning from the Main Street Districts to residential districts and commercial districts. Allowed building/lot types are Single Family Detached, Shopfront Commercial, and Civic Building. Standards in the Commercial/Main Street Transitional District are established to encourage new development, revitalization, reuse, and infill development in a manner that accommodates a range of uses while preserving historic development patterns and being sensitive to the adjacent districts. A range of uses, including retail, office, and residential, is permitted.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Detached house

Shopfront Commercial

Civic Building

(D) Permitted Accessory Uses

Accessory Dwelling Units (subject to additional standards, see section 10.1)

Accessory Structures

Fences

(E) Permitted Residential Density

8 units/acre

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Commercial/Main Street Transitional District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Commercial/Main Street Transitional District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot Side Yard
5,000 SF	60’	30’	15’ or as required by buffering standards and/or building type	10’ or as required by buffering standards and/or building type	20’ or as required by buffering standards and/or building type

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.4-6 Main Street Periphery District (MSP)

(A) Intent: The Main Street Periphery District provides for the development and maintenance of a range of uses in areas adjacent to Jamestown’s downtown. In this district, the development pattern integrates retail, office, civic, educational, religious, and residential uses in an environment that is pedestrian friendly, while decreasing the size and mass of buildings in order to transition from the downtown into the surrounding areas. Street and sidewalk networks provide multi-modal transportation options that connect the Main Street Periphery District to the downtown and to the surrounding neighborhoods. The Main Street Periphery District provides an area for businesses to locate that need to be in the downtown but do not need to have high visibility on Main Street. The Main Street Periphery District also enables the potential future expansion of the Main Street District.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional requirements

See Table of Uses (Table8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Shopfront Commercial

Multi-family Cluster

Detached House

Attached House

Civic Building

(D) Permitted Accessory Uses

Accessory Dwelling Units (subject to additional requirements, see section 10.1)

Fences

(E) Permitted Residential Density

6 units/acre

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Main Street Periphery District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Main Street Periphery District

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Side Yard, Corner Lot
7,500 SF	50’	30’	5’ or as required by buffering standards and/or building type	5’ or as required by buffering standards and/or building type	20’ or as required by buffering standards and/or building type

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.4-7 Main Street District (MS)

(A) Intent: The Main Street District provides for new development, revitalization, reuse, and infill development in Jamestown’s traditional downtown. A broad array of uses is permitted to enable the needs of residents, visitors, property owners and business owners to be met. The development pattern seeks to integrate shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and services.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional requirements

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Urban workplace

Shopfront Commercial

Detached house

Civic Building

(D) Permitted Accessory Uses

Fences

(E) Permitted Residential Density

8 units/acre

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Main Street District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Main Street District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Side Yard, Corner Lot
5,000 SF	25’	5’ or as required by buffering standards and/or building type	5’ or as required by buffering standards and/or building type	5’ or as required by buffering standards and/or building type	5’ or as required by buffering standards and/or building type

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements for urban open space set forth in Article 21.

(H) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.4-8 Civic District (CIV)

(A) Intent: The Civic District provides a location for public institutions and offices, such as schools and government offices, and for those uses that serve the public. Large developments in the Civic District are encouraged to provide a master plan to the Town and request approval of the Campus Overlay District designation. Institutional uses are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table8.1)

(C) Permitted Building and Lot Types

Urban Workplace

Civic Building

(D) Permitted Accessory Uses

Accessory Structures

Fences

(E) Permitted Residential Density

N/A (Dormitories permitted as part of approved master plan)

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Civic District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Civic District

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Side Yard, Corner Lot
40,000 SF	100’	15’	15’ or as required by buffering standards and/or building type	5’ or as required by buffering standards and/or building type	10’ or as required by buffering standards and/or building type

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.4-9 Commercial District (C)

(A) Intent: The Commercial District is established to provide for uses in areas where the dominant mode of transportation is the automobile. The auto-oriented street, lot, and building designs create uncomfortable pedestrian environments. Allowed building/lot types are Highway Commercial and Civic. Dominant uses in this district are retail and office. The Commercial District is expected to serve Jamestown residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to ensure safety for the motoring public as well as pedestrians. Development standards in the Commercial District ensure the creation of a pleasant auto-oriented environment while enabling a compatible transition to uses in adjacent districts.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional requirements

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Highway Commercial

Civic Building

(D) Permitted Accessory Uses

Fences

(E) Permitted Residential Density

N/A

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Commercial District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Commercial District:

Minimum Lot Size	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Rear Yard**	**Minimum Side Yard**	**Minimum Side Yard, Corner Lot**
10,000 SF	50’	25’or as required by buffering standards and/or building type	10’ or as required by buffering standards and/or building type	5’ or as required by buffering standards and/or building type	15’ or as required by buffering standards and/or building type

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11

8.4-10 Bypass District (BD)

(A) Intent: The Bypass District is established to provide opportunities for compatible and sustainable development along the future Jamestown Bypass. Access to buildings in this district is provided through a secondary street network. The secondary street network is both auto-oriented and pedestrian oriented. Development standards in the Bypass District acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along the secondary street network. Goals of the Bypass District include providing a pleasant environment for motorists, a safe environment for pedestrians along the secondary streets; ensuring the safety of motorists and pedestrians; and preserving the capacity of the Bypass to accommodate high traffic volumes at high speeds. Uses in this district include services, employment, residential and industrial. Allowed building/lot types include Urban Workplace, Shopfront Commercial, Multi-Family Cluster, Attached House and Civic Building.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Urban Workplace

Shopfront Commercial

Multi-family Cluster

Attached House

Civic Building

(D) Permitted Accessory Uses

Accessory Structures

Fences

(E) Permitted Residential Density

12 units/acre

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 21) for the lot and building types permitted in the Main Street District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Bypass District:

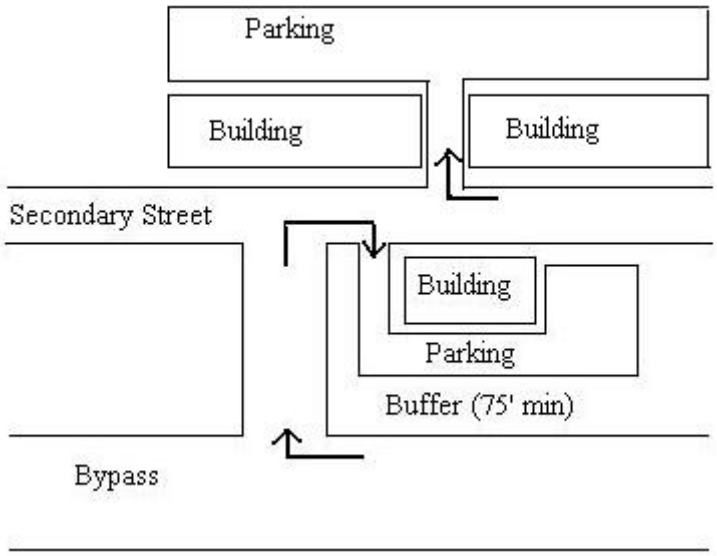
Minimum Lot Size	**Minimum Lot Width**	**Minimum Setback from Bypass**	**Build-to-Line from any street other than the Bypass**	**Minimum Rear Yard**	**Minimum Side Yard**	**Minimum Side Yard, Corner Lot**
10,000 SF	75’	75’	10’ or as required by buffering standards and/or building type	5’ or as required by buffering standards and/or building type	5’ or as required by buffering standards and/or building type	10’ or as required by buffering standards and/or building type

(G)Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H)Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Parking may be placed in between a building the Bypass. However, parking shall not be in the required setback between a building and the Bypass. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

(I)Access and Frontage: No parcel shall have direct access from the Bypass. All parcels are required to have access from a secondary street. All buildings are required to front a street other than the Bypass. When a building is in between a secondary street and the Bypass, that building shall front the secondary street. A conceptual layout of access and parking is shown below:

Image 8.1-1, Conceptual Bypass District Access and Parking Design



8.4-11 <u>Industrial District (IND)</u>

(A) Intent: The Industrial District is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities. Allowed building and lot types are Highway Commercial, Shopfront Commercial, and Civic Building.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(C) Permitted Building and Lot Types

Highway Commercial

Shopfront Commercial

Civic Building

(D) Permitted Accessory Uses

Accessory Structures

Fences

(E) Permitted Residential Density

N/A

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Industrial District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Industrial District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot Side Yard
15,000 SF	75’	25’ or as required by Building/Lot type	10’ or as required by Building/Lot type	5’ or as required by Building/Lot type	10’or as required by Building/Lot type

(G) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.4-12 Parks & Recreation District

(A) Intent: The Parks and Recreation District (PNR) is intended primarily for Town-owned properties utilized, or planned for, public parks and recreation facilities. Allowed building/lot types in this district are Urban Workplace and Civic. Properties in this district are primarily for use and enjoyment by the public as open space and/or recreation facilities and may include golf courses, public parks, trails, and other similar open spaces.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table8.1)

(C) Permitted Building and Lot Types

Urban Workplace
Civic Building

(D) Permitted Accessory Uses

Accessory Structures
Fences

(E) Permitted Residential Density

N/A

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Parks and Recreation District.

2. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Parks and Recreation District

Minimum Lot Size	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Rear Yard**	**Minimum Side Yards**	**Minimum Corner Lot Side Yard**
10,000 SF	100’	10’	10’ or as required by Building/Lot type	5’ or as required by Building/Lot type	10’or as required by Building/Lot type

(G) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.5 Overlay Districts

8.5-1 Traditional Neighborhood Development Overlay (TND)

(A) Intent: The Traditional Neighborhood Development Overlay District provides for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian oriented streets and other public spaces. Traditional

Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores, offices, workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the town, and has a residential density of 4 to 12 dwelling units per acre.

(B) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table8.1)

(C) Permitted Building and Lot Types

Urban Workplace

Shopfront Commercial

Multi-family Cluster

Detached House

Attached House

Civic Building

(D) Permitted Accessory Uses

Accessory Dwelling Unit (subject to additional standards, see section 10.1)

Accessory Structures

Fences

Home Occupations (subject to additional standards, see section 10.1)

(E) Permitted Residential Density

8 units/acre

(F) General Requirements

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Traditional Neighborhood Development District and by the standards set forth in section 8.5-11.F (5) below.

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

   - New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
   - New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume.

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

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

5. Maximum Development Size: 200 acres

Tracts larger than 200 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all provisions.

6. Maximum Permitted Densities**:** There shall be no maximum density in the TND.

7. In addition to the requirements established by the lot type standards and building type standards, the following standards shall apply for properties wishing to be developed in accordance with the standards for the Traditional Neighborhood Development District:

Minimum Lot Size	**Minimum Lot Width**	**Minimum Front Yard**	**Minimum Rear Yard**	**Minimum Side Yards**	**Minimum Corner Lot Side Yard**
45,000 SF	100’	5’	5’	0’	5’

(G) TND Design Provisions

1. Neighborhood Form

The descriptions of Traditional Neighborhood Building and Lot types in Article 9 will determine the general arrangement and distribution of elements in a TND.

The area of the TND shall be divided into blocks, streets, lots, and open space.

Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.

2. Streets

Public streets shall provide access to all tracts and lots.

Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to

existing and projected streets outside the development. Cul-de sacs shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac. Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided. Pedestrian connections shall be provided as extensions of terminating streets or as public access easements where not precluded by topography or other physical constraints.

The average perimeter of all blocks within the TND should not exceed 1,350 feet. No block face should have a length greater than 500 feet without a dedicated alley or pathway providing through access.

A continuous network of rear alleys is recommended for all lots in a TND; rear alleys shall provide vehicular access to lots 60 feet or less in width.

Utilities may run along alleys.

TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted site plan. Each street type in a TND shall be separately detailed. Street types as described in the Town of Jamestown Standards and Specifications Manual identify the street types permitted in a TND. An array of elements that are combined to meet the purposes of TND neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use.

To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods to achieve this interruption include: (1) a street can be interrupted by intersections designed to calm

the speed and disperse the flow of traffic (see Town of Jamestown Standards and Specifications Manual) and terminate vistas with a significant feature (building, park, natural feature); (2) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space; (3) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; (4) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

3. Buildings and Lots

All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.

Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.

Building and lot types shall comply with the descriptions provided in Article 9.

Large-scale, single use facilities (conference spaces, theaters, athletic facilities, etc) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.

4. Open Space**.** Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

5. Parking, Landscaping and Buffers**.** Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.5-2. <u>Cluster Development Overlay (CDO)</u>

(A) Intent. The Cluster Development Overlay District permits buildings to be clustered or grouped on a site, parcel, or property in order to optimize the use of land and resources. By clustering development, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features, efficiently providing infrastructure such as water, sewer, and streets, and organizing buildings on a site in a manner that promotes efficient multi-modal transportation. The Cluster Development Overlay District mandates the dedication of open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped areas of the Town and in already developed areas with low building value to land value ratios. Allowed building/lot types are Multi-Family, Detached House, Attached House, and Civic Building. Within Cluster Development Overlay Districts, development may comply with the standards set forth in this section or with the standards of the underlying zoning district.

(B) Applicability. The cluster development provisions set forth below may be applied, upon designation of the property as a Cluster Development Overlay District, to properties with a minimum lot size of 2 acres in all residential and agricultural zoning districts. The provisions of this section shall not be applicable in platted and recorded residential subdivisions where 75% or more of the homes within the subdivision have improvements that equal or exceed the land value (based on Guilford County Tax Department assessed values).

(C) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(D) Permitted Building and Lot Types

Multi-family Cluster

Detached House

Attached House

Civic Building

(E) Permitted Accessory Uses

Accessory Dwelling Units (subject to additional standards, see section 10.1)

Accessory Structures

Fences

Home Occupations (subject to additional standards, see section 10.1)

(F) Development standards. The following development standards shall apply to cluster developments approved in accordance with the provisions of this section:

1. Maximum density shall be one hundred fifty percent (150%) of that permitted in the underlying zoning district.
2. There shall be a minimum separation of 12 feet between all enclosed structures.
3. Parking shall comply with the requirements set forth in Article 12, and shall not be located within 25 feet of an adjoining street right-of-way or property line except that parking may be closer than 25 feet from an adjoining street right-of-way if the parking is located beneath a building, with the parked vehicle entirely hidden from view from any right-of-way or property line.
4. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Cluster Development Overlay District.
5. In addition to the requirements established by the lot type standards and building type standards, the following shall apply in the Cluster Development Overlay District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yards	Minimum Corner Lot

					Side Yard
5,000	50’	15’	15’	6’	10’

(G) Landscaping and Buffers**.** Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

(H) Open Space**.** Not less than 40% of the site shall be conveyed as Common Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. In addition to the requirements listed below, the provision and design of open space shall comply with the requirements set forth in Article 21.

:

1. Common open space provided by a cluster development shall be conveyed as follows:
    a. To the Town of Jamestown and accepted by it for park, open space, agricultural, or other specified use or uses, provided that the conveyance is approved by the Town Council; or
    b. To a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of lots or dwelling units within the cluster development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. Such corporation or trust shall maintain the property as open space.
2. Where the common open space in a residential cluster development is conveyed pursuant to subparagraph 1.b above, a deed restriction enforceable by the Town of Jamestown shall be recorded that provides that the common open space shall:
    a. be maintained in the authorized conditions(s); and
    b. not be developed for principal uses, accessory uses (e.g., parking), or roadways, with the exception that gazebos, pavilions, shelters, or similar accessory uses and structures may be constructed within the common open space upon approval of the Planning Director.

8.5-3 Scenic Corridor Overlay (SCO)

(A) Intent. The Scenic Corridor Overlay District is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Town. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Jamestown's community character and sense of place. The Scenic Corridor Overlay District is meant to protect Jamestown's community character and heritage by preserving the historic development patterns along the Town's entrance roads and gateways while providing development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the rural character of the Town by maintaining the sense of a rural corridor in an urban environment; provide an aesthetically appealing experience for those traveling the corridor; provide multi-modal options for travel; and ensure a safe transportation corridor for motorists, bicyclists, and pedestrians.

(B) Types. Three (3) types of scenic corridors are hereby created:

1. Rural scenic corridor – A corridor along which development is limited, consisting largely of fields, pastures, and scattered residential uses. The rural scenic corridor evokes a sense of traveling through an undeveloped area, with pastoral scenes and a sense of being removed from the urban environment.
2. Gateway scenic corridor - A corridor that serves as an entrance way to a place that is unique and different from other communities in the area. The gateway corridor provides a sense of arrival to a place that is special and different from the typical places. The gateway scenic corridor may be more developed than the rural scenic corridor, but the character of the development is such that those using the corridor are aware they are in a special place.
3. Bypass scenic corridor - A corridor providing for buffering of the bypass to protect the traffic carrying capacity of the road and to provide for a pleasant experience for motorists using the bypass. The bypass scenic corridor requires an undeveloped setback from the bypass, ensuring that the bypass through Jamestown is unique and portrays the character of the community while enhancing the safety of motorists using the road.

(C) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(D) Permitted Building and Lot Types

Detached House

Civic Building

(E) Permitted Accessory Uses

Accessory Structures (upon approval by Town Council as a conditional use)

Fences

(F) Permitted Residential Density

4 units/acre (Residential buildings shall not be located within the scenic corridor easement)

(G) General Requirements

1. Development Pattern. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Scenic Corridor Overlay District.
2. Activities Permitted in the Scenic Corridor. In order to preserve the aesthetic quality of the scenic corridors, uses and activities within the designated scenic corridors shall be limited to the following:
   a. The scenic corridor easement may be used for passive recreation, agricultural uses, and equestrian uses. No

other use shall be permitted within the scenic corridor easement.

b. No building construction, parking, land disturbing activity, signs, tree removal, lighting (other than street lighting provided by the Town of Jamestown and driveway or private road lighting provided that said lighting is provided by full cutoff fixtures), or other development activity shall occur within the scenic corridor easement except as follows:

- A bikeway, greenway, and/or other pedestrian/bicycle facility may be located within the scenic corridor easement.
- Underground utilities and easements for underground utilities may be located within the scenic easement, provided that no above ground transmission or other equipment is located within the scenic easement.
- Buildings used primarily for agricultural and/or equestrian related activities may be built in the scenic corridor easement upon approval by the Town Council as a Conditional Use. Parking shall be located behind the building, shall not be located within the scenic easement, and shall be buffered from the scenic corridor. The Town Council shall consider the following items in making the decision to allow aforesaid buildings in the scenic easement:
    - The building's visual impact on the scenic corridor;
    - The building's size
    - The compatibility of the building's architecture with community character and the purposes of the scenic corridor overlay district.

3. Scenic Corridor Dimensions. The designated scenic corridors shall meet the following dimensional standards:

a. The width of the scenic easement within the rural scenic corridor shall be 10% of the lot depth but no more than 100 feet from the edge of the public right-

of-way. The Planning Director may require an additional scenic depth of up to 50 feet in order to preserve structures and/or vegetation deemed to be significant.

b. The width of the scenic easement within the gateway scenic corridor shall be 10% of the lot depth but no more than 50 feet from the edge of the highway right-of-way. The Planning Director may require an additional depth of up to 25 feet in order to preserve structures and/or vegetation deemed to be significant.

c. The width of the scenic easement within the bypass scenic corridor shall be 10% of the lot depth but no more than 75 feet from the edge of the public right-of-way. The Planning Director may require an additional depth of up to 25 feet in order to preserve structures and/or vegetation deemed to be significant.

4. Scenic Corridor Provisions. The following provisions shall govern development within a designated scenic corridor:

a. The area within the scenic easement may be dedicated to the Town as a conservation easement, provided it meets the standards for such an easement as established by applicable state and federal standards.

b. Development density shall be calculated for the entire property, including the area within the scenic easement, with the exception that development density bonuses of up to 50 percent are given for the portion of the property within the scenic easement. In the event that the property owner provides a scenic easement wider than required by this ordinance, the density bonus may be increased up to 75% for the area located within the scenic easement. For example, Joe Jones owns a 10 acre property zoned Single Family Residential (SFR). Two (2) acres of his property are within the Scenic Corridor Overlay. His density is calculated as follows:

Base density @ 4 units/acre x 10 acres = 40 units
50% density bonus for 2 acres in scenic corridor easement
50%(2 acres x 4 units/acre) = 4 unit bonus
Total Density = 44units

If Mr. Jones provides an easement wider than required, then he would receive a 75% density bonus for the area within the easement:

Base density @ 4units/acre x 10 acres = 40 units
75% density bonus for 2 acres with wider easement
75%(2 acres x 4 units/acre) = 6 unit bonus
Total Density = 46 units

c. Development may be clustered on the portion of the property located outside the scenic easement. When cluster development is used, it shall follow the Cluster Development Overlay District regulations as outlined in section 8.4 of this Ordinance.

5. Curb Cuts. There shall be a minimum separation of 500' between curb cuts in the rural scenic corridors. This separation requirement may be waived by the Planning Director if the width of the property frontage would preclude a second curb cut meeting this spacing requirement

6. Lot Requirements. The lot type standards and building type standard permitted in the underlying district, as set forth in section 8.4 and further described in Article 9, shall appply in the Scenic Corridor Overlay District.

(H) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21. Land within the scenic easement may count for up to 100% of the open space required by Article 21 of this Ordinance.

(I) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.5-4. Campus Overlay (CO)

(A) Intent. The Campus Overlay District provides for the development of campuses for large institutional uses (secondary schools, colleges, and medical facilities) over time in accordance with an approved master plan. Basic standards are established in this section for campus developments and for the campus master plan, which, upon approval by the Town of Jamestown, shall become the regulating plan for the development of the campus. Pedestrian access and interconnected streets within the campus, with an internal street system, are guiding principles within the Campus Overlay District. The Civic Building and Urban Workplace are the allowed lot/building types in this overlay district. To the extent possible, buildings should front on the internal street system. The standards set forth in this section ensure that the campuses of large institutional uses fit seamlessly into the community, with the campus becoming an extension of the Town rather than an isolated island within the Town.

(B) Applicability. The campus development provisions set forth below may be applied, upon designation of the property as a

Campus Overlay District and approval of the master plan for campus development, on properties with a minimum area of 5 acres in all non-residential zoning districts.

(C) Permitted Uses

1. Uses permitted by right

See Table of Uses (Table 8.1)

2. Uses permitted with additional standards

See Table of Uses (Table 8.1)

3. Uses permitted with conditions

See Table of Uses (Table 8.1)

(D) Permitted Building and Lot Types

Civic Building

Urban Workplace

(E) Permitted Accessory Uses

Accessory Structures

Fences

(F) Permitted Residential Density

N/A (Dormitories permitted as part of approved master plan)

(G) Development standards. The following development standards shall apply to cluster developments approved in accordance with the provisions of this section:

1. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Campus Overlay District.

2. A master plan shall be provided with the zoning application for reclassification to a Campus Overlay district. The

master plan shall include a topographic survey and shall show the location and hierarchy of streets and open spaces, location of proposed and existing buildings, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges.

3. To the extent possible, buildings shall front on internal streets or on exterior streets that abut the campus.

4. Parking shall comply with the requirements set forth in Article 12, and shall not be located between the street and a building.

5. Public streets shall provide access to all tracts and buildings on the campus. Streets and alleys shall, wherever practicable, terminate at other streets on the campus and connect to existing and projected streets outside the development.

6. Sidewalks and pedestrian walkways shall provide access to and connect all buildings on the campus. Sidewalks and pedestrian walkways shall have a minimum width of 5 feet (8 feet for high pedestrian traffic areas).

(H) Open Space. Open Space is defined as any area which is not divided into private or civic building lots, streets, rights-of-way, parking, or easements for purposes other than open space conservation. The provision and design of open space shall comply with the requirements set forth in Article 21.

(I) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11, Landscaping and Buffers**.**

ARTICLE 9
BUILDING AND LOT TYPE STANDARDS

9.1 Purpose

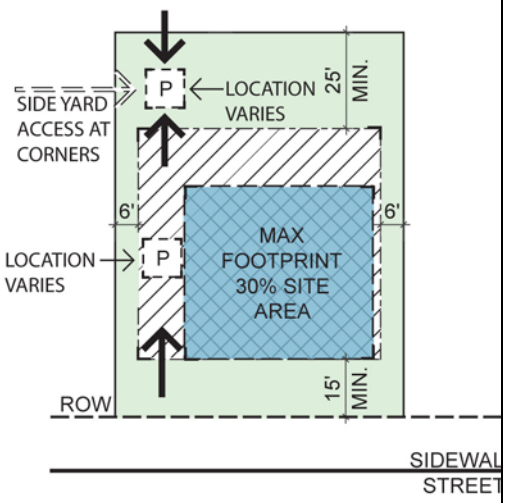
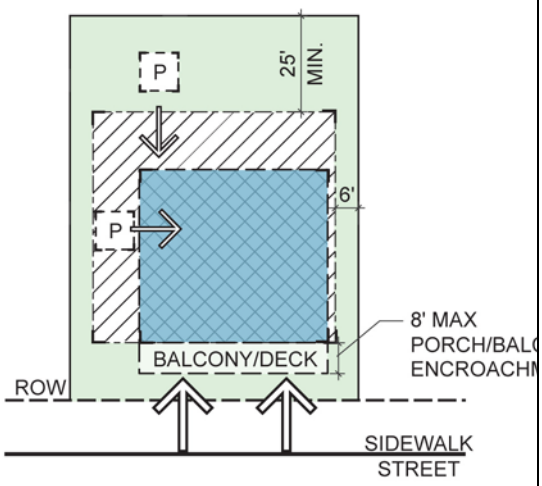
The purpose of this Article is to establish standards for the buildings and lots permitted in each of the zoning districts established in Article 8. The standards set forth below are established to ensure that new development and construction is compatible with the character of the Town of Jamestown, that it accomplished the purposes of this Ordinance, and that it achieves the goals identified in the Town's comprehensive plan and other plans.

9.2 Detached House Lot and Building Type

9.2-1 Description. The detached house is the most prevalent building type in Jamestown. The detached house building type is generally found in residential neighborhoods, although it may coexist with other, similarly scaled buildings in commercial or mixed-use areas. Where possible, structures shall be designed to maintain a harmonious image of the neighborhood when viewed from a distance. Where appropriate and possible, structures shall be designed to terminate vistas. Within the limits described below, these regulations shall apply to all houses built on public streets. For detached homes on large lots accessed by a private drive in rural areas, building placement and site planning shall be dictated by landscape features and landscape preservation.

The photograph below is an example for illustration purposes only and is not intended to regulate lot/building styles, patterns, or forms.

9.2-2 Detached House Lot Type.

Building Placement/Parking/Vehicle Access	**Encroachment/Pedestrian Access/Commercial Use Standards**
	
1. Buildings shall be placed on the lot within zone represented by the hatched area. 2. Along new streets: A) the front setback shall be 15' behind street ROW; B) the rear setback shall be 25 feet from the rear property line; C) the side setbacks on interior lots shall be 6'from the side property line; D) the side setback on corner lots for the side of the building that faces the street shall be 3/5ths the distance of the front building setback (i.e. if the front of the building is set back 50 feet from street ROW on a corner lot, the minimum side setback for the side of the building facing the street would be 30 feet). 3. Along existing streets and in the Single Family Residential District, the minimum lot width and front, side, and rear setbacks of new buildings shall be equal to the average setbacks of existing buildings on the same side of the street within 400'.	1. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrows). 2. Balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'. 3. Mechanical equipment shall not encroach into any required setback. 4. Commercial Use in a Detached House (Main Street, Main Street Periphery, Commercial/Main Street Transitional, TND Overlay Districts) shall comply with the following: a. Parking shall be located in the side or rear yards only. If provided in the side yards, the parking area shall not exceed 25% of the

However, if there are 2 or less buildings within 400' on the same side of the street from the subject parcel, the standards for new streets apply. 4. In the Residential/Main Street Transitional District, where the average setback of existing buildings within 400' exceeds 35', the setback of any new building may be up to 20' closer to street ROW from the setback of an adjacent building, existing or proposed, in order to negotiate a gradual transition to a more urban development pattern. 5. Building placement may be further defined by zoning districts. 6. Accessory structures shall be located at least 5' behind the primary structure and shall have a minimum 6' side and rear setback. 7. Only in the most exceptional circumstances having to do with extreme topography or very special design composition may the rules of residential building placement be varied. 8. The maximum building coverage for the primary structure shall be 30% of the lot area. 9. Garages may be detached (entered from front, side, or rear), or attached to the main dwelling, with or without habitable rooms above. Front loaded garages, if provided, shall meet the standards of Article 2. 10. A detached garage may be located only in the rear yard or side yard. 11. Points of permitted front or rear access to parking indicated by arrows. On corner lots, sideyard access is also	frontage line and shall not be in the yards adjacent to a street. b. Parking areas on adjacent mixed use lots shall be connected whenever practical. c. Trash containers shall be located in the rear yard. If adjacent to existing single-family residential uses, trash containers shall be limited to residential rollout containers only (no dumpsters). d. Mechanical equipment at ground level shall be placed on the parking lot side of the building away from buildings on adjacent sites and shall be screened from view by an opaque screen. e. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall (knee wall should be a min. 2.5' in height, max 3.5' in height) shall be installed along any street frontage adjacent to parking areas. Knee walls should be built of brick, stone or other decorative masonry material, or should be built of wrought iron or other decorative metal, and shall generally match the historic architectural style of Jamestown. f. Building facades shall be generally parallel to frontage property lines. Buildings in all locations should relate the principal façade to the sidewalk and public space of the street. g. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

permitted.	

9.2-3 Detached House Building Type.

Permitted Height/Uses/Encroachments	**Architectural Standards**
	Principles A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the historic architectural vocabulary of the area in their external treatment (refer to *Historical Places in Jamestown*, Mary A. Browning, for historic architectural vocabulary). Manufactured homes will not be permitted as part of any multi-unit residential development.
1. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. 2. Building height to the ridge may vary depending on the roof pitch. 3. Permitted uses are indicated above, and are further controlled by zoning district standards.	B. The front elevations facing the street and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street. C. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration. D. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of

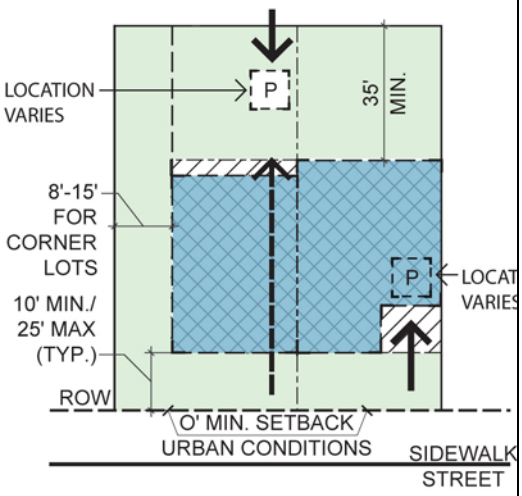
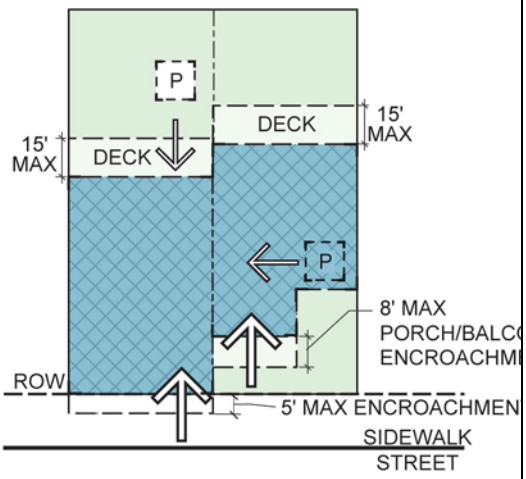
	buildings. Configurations A. Main roofs on residential buildings should be symmetrical gables or hips with a pitch of between 4:12 and 12:12. Monopitch (shed) roofs should be attached to the wall of the main building. No monopitch roof should be less than 4:12. Grandiose roof pitches with multiple changes of outline are acceptable. It is recommended that accessory buildings have roof pitches that conform to those of the main building. B. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets. C. Two wall materials may be combined horizontally on one facade. The “heavier” material should be below. D. Exterior chimneys should be finished in brick or stone. Techniques A. Overhanging eaves may expose rafters. B. Flush eaves should be finished by profiled molding or gutters.

9.3 Attached House Lot Type and Building Type Standards

9.3-1 Description. The attached house is a rowhouse, a townhouse, or a duplex. Traditional southern homes in Savannah and Charleston provide a historic model. The Southside neighborhood in Greensboro provides a good contemporary example. Generally, building plans will have narrow frontages with the plan depth being greater than its width. Groups of attached house buildings that are not integrated into a pedestrian oriented mixed-use urban pattern shall not be permitted within Jamestown. Attached house structures should complement the neighborhood through their design, location on the site, and building materials.

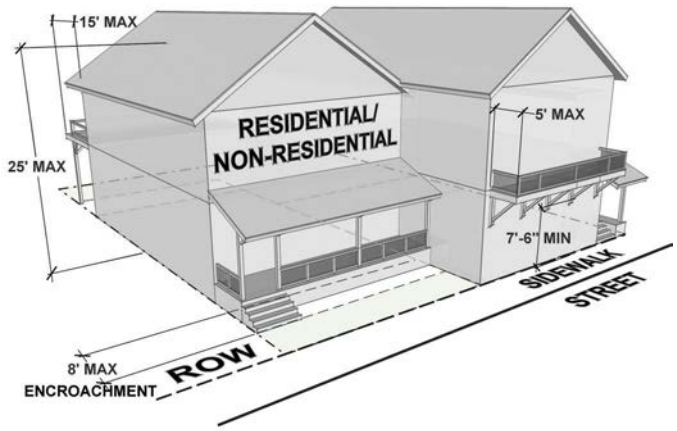
The photograph below is an example for illustration purposes only and is not intended to regulate lot/building styles, patterns, or forms.

9.3-2 Attached House Lot Type Standards.

Building Placement/Parking/Vehicle Access	**Encroachment/Pedestrian Access**
	
1. Buildings shall be placed on the lot within the zone represented by the hatched area. 2. The front build-to line will range from 10' to 25' behind street ROW. Special site conditions such as topography or lot widths permit a larger setback. However, in more urban conditions, dwellings may be set up to the property line at the sidewalk. 3. There shall be at least 12' of separation between units that are not attached. In the case where a corner unit is on a street corner the side build-to-line shall be 8'-15'. Special site conditions such as topography or lot widths permit a larger yard. 3. Only in the most exceptional circumstances having to do with extreme topography or very special	1. For buildings set up to the sidewalk, Balconies and bay windows at an upper level and their supports at ground level are permitted and encouraged within the sidewalk as shown by the shaded area. Encroachments affixed to the building and horizontally protruding more than 6" from the face of the building must have a minimum 7'6" clearance from the finished grade. Encroaching awnings should cover the entire sidewalk within the permitted distance shown by the shaded area. 2. For buildings set back from sidewalk, balconies, stoops, stairs, unenclosed porches and bay windows are permitted to encroach into the front setback area up to 8'. 3. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller

design composition may these rules of residential building placement be varied. 4. Building facades shall be generally parallel to front and rear property lines. All buildings generally should front onto a public street, with an exception for buildings in a TND or cluster development. Buildings in these developments may front onto a courtyard or other common space. 5. Front loaded garages, if provided, shall meet the standards of Article 2. 6. Points of permitted access to parking indicated by arrows. 7. Accessory structures shall be located at least 5' behind the primary structure and shall have the same side setbacks as the main structure. Accessory structures shall have a minimum 10' rear setback.	arrow). 4. Decks shall be constructed only in an established rear yard and are permitted to encroach into the rear setback up to 15'.

9.3-3 Attached House Building Type.

Permitted Height and Uses	**Architectural Standards**
 1. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint	Principles: A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the historic architectural vocabulary of the area in their external treatment (refer to *Historical Places in Jamestown*, Mary A. Browning, for historic architectural vocabulary). Manufactured homes shall not be permitted as part of any multi-unit residential development under this ordinance. B. The front elevations facing the street, and the overall massing

of the peak and eave heights. 2. Building height to the ridge may vary depending on the roof pitch. 3. Permitted uses are indicated on the graphic above, and are further controlled by zoning district standards.	shall communicate an emphasis on the human scale and the pedestrian environment. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street. Setbacks should be used in a manner which encourages pedestrian activity. C. Each building should be designed to form part of a larger composition of the area in which it is situated. D. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings. E. Porches should form a predominant motif of house designs, and be located on the front or to the side of the dwelling. When attached to the front, they shall extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building. F. Front loaded garages, if provided, shall meet the standards of Article 2. Configurations A. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 4:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch shall be less than

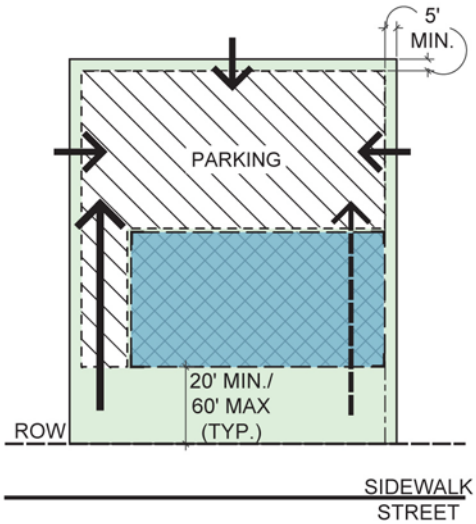
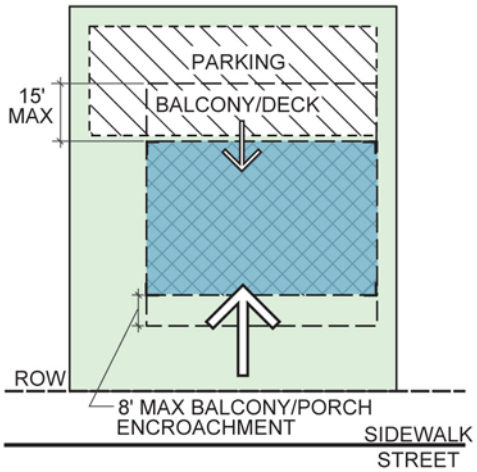
	4:12. All accessory buildings shall have roof pitches that conform to those of the main buildings. B. Balconies should generally be simply supported by posts and beams. For balconies overhanging the sidewalk, supports should be from visible brackets, as supports cannot be located in the sidewalk. The support of cantilevered balconies should be assisted by visible brackets. C. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below. D. Exterior chimneys should be finished in brick or stucco. Techniques A. Overhanging eaves may expose rafters. B. Flush eaves should be finished by profiled molding or gutters.

9.4 Multi-Family Lot Type and Building Type Standards

9.4-1 Description. The multi-family building is a residential building accommodating several households. In traditional towns, this building type coexists with a variety of other building types and is located in or near a mixed use district. A successful contemporary design permits its integration with other building types through the coordination of site and building design. The multi-family building type helps to build the residential density necessary for mixed- use areas to function properly by helping to create a base of people who can walk to goods and services. Where possible, structures shall be designed to terminate vistas. Structures should be designed to establish the design template and serve as a key focal point in the neighborhood.

The photograph below is an example for illustration purposes only and is not intended to regulate lot/building styles, patterns, or forms.

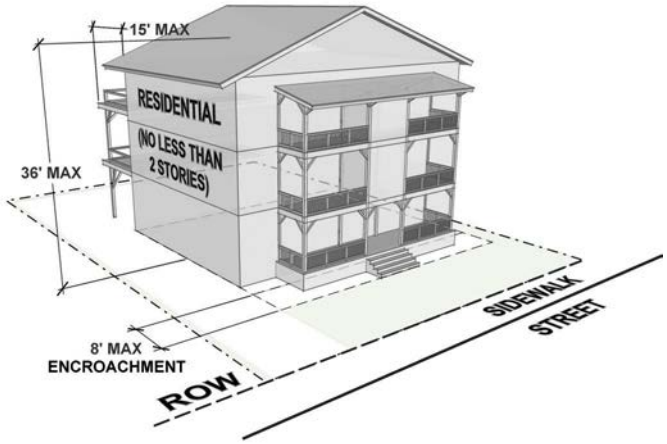
9.4-2 Multi-Family Lot Type Standards.

Building Placement/Parking/Vehicle Access	**Encroachment/Pedestrian Access**
	
1. Buildings shall be placed on the lot within the zone represented within the	1. For buildings set back from sidewalk, balconies, stoops, stairs, open

hatched area. 2. In most cases, the front build to line will be 20'-35' behind street ROW in residential districts. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger setback. In districts that allow commercial uses and where this building type is allowed, multi-family buildings may be set up to the sidewalk if the sum of the sidewalk and planting strip width are 12' or greater. 3. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension. 4. Within the limits described, side and rear setbacks will vary depending upon buffering requirements. When no buffer is required, a minimum 5' side and rear setback is required. 5. Building facades shall be generally parallel to front property lines. All buildings shall front onto a public street. All ground floor residential units with exterior access shall front a public street, unless specifically exempted by one of the provisions of Article 2. 6. Parking shall be located to the rear of the building, unless there are extenuating circumstances that make it impractical to park in the rear of the building, in which case parking may be permitted to the side. When parking is permitted to the side of the building, the parking area shall comprise no more than 35% of the road frontage and shall be buffered according the buffering standards in Article 11. 5. Points of permitted access to the	porches, bay windows, and awnings are permitted to encroach into setback area up to 8'. 2. Attached decks are permitted to encroach into the rear setback up to 15 feet. 3. For buildings set up to the sidewalk, Balconies and bay windows at an upper level and their supports at ground level are permitted within the sidewalk as shown by the shaded area. Encroachments affixed to the building and horizontally protruding more than 6" from the face of the building must have a minimum 7'6" clearance from the finished grade. 4. Main pedestrian access to the building and to individual units is from the street (indicated by larger arrow), unless specifically exempted by one of the provisions of section _____. Secondary access may be from parking areas (indicated by smaller arrow).

parking indicated by arrows. **6.** Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall (knee wall should be a min. 2.5' in height, max 3.5' in height) shall be installed along any street frontage adjacent to parking areas. Knee walls should be built of brick, stone or other decorative masonry material, or should be built of wrought iron or other decorative metal, and shall generally match the historic architectural style of Jamestown. 7. Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of –way per standards set forth in Article 11. 8. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites and shall be screened from view per standards set forth in Article 11.	

9.4-3 <u>Multi-Family Building Type Standards.</u>

Permitted Height and Uses	**Architectural Standards**
	Principles A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the historic architectural vocabulary of the area in their external treatment (refer to *Historical Places in Jamestown*, Mary A. Browning, for historic architectural vocabulary).
1. For buildings with flat roofs, building height	

shall be measured as the vertical distance from the mean elevation of the existing grade to the highest finished roof surface. The height of parapet walls is not counted in the building height calculations and may vary depending upon the need to screen mechanical equipment. 2. For buildings with pitched roofs, building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. 3. Building height to the ridge may vary depending on the roof pitch. 4. Permitted uses are indicated above, and are further controlled by zoning district standards. 5. Buildings shall have no less than 2 stories.	B. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. Buildings in all locations shall relate the principal facade to the sidewalk and public space of the street. C. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration. D. Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings. E. Porches should form a predominant motif of building designs, and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 15% of the front facade. All porches should be constructed of materials in keeping with those of the main building. F. Front loaded garages, if provided, shall meet the standards of Article 2. G. At a minimum, the Americans with Disabilities Act standards for accessibility shall be met. Configurations A. Main roofs on multi-family

	buildings shall be symmetrical gables, hips with a pitch of between 4:12 and 12:12 or flat roofs with a parapet wall. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. No monopitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those of the main building. B. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets. C. Two wall materials may be combined horizontally on one facade. The "heavier" material should be below. D. Exterior chimneys should be finished in brick or stucco. Techniques A. Overhanging eaves may expose rafters. B. Flush eaves should be finished by profiled molding or gutters.

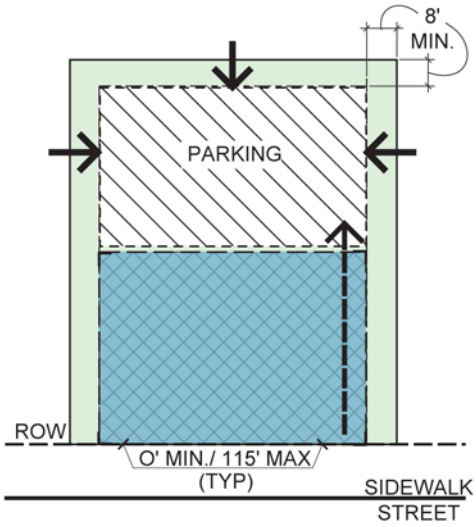
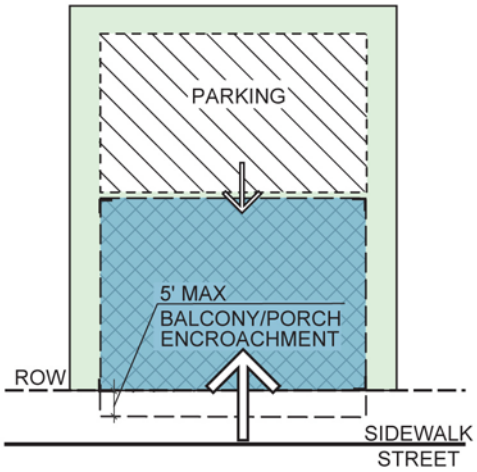
9.5 Civic Building Lot and Building Type

9.5-1 Description. Civic buildings are used for purposes that are public in nature (e.g. schools, libraries, government buildings, and churches). These buildings must be designed to take their appropriate places within neighborhoods as integral parts of the community. It is expected that the scale and architectural sophistication of these buildings will match their civic importance. Civic structures should be designed to serve as key focal points in the neighborhood. When located at intersections or other appropriate locations, Civic Buildings shall be designed to terminate

vistas. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street. Civic buildings shall not be set back on the lot behind a standard parking lot; however, a plaza may be used for occasional parking and/or passenger drop-off. Large institutions with multiple buildings, such as Guilford Technical Community College, are encouraged to adopt campus master plans. When a campus master plan is adopted and approved by Town Council, the campus master plan shall take precedence over these regulations.

The photograph below is an example for illustration purposes only and is not intended to regulate lot/building styles, patterns, or forms.

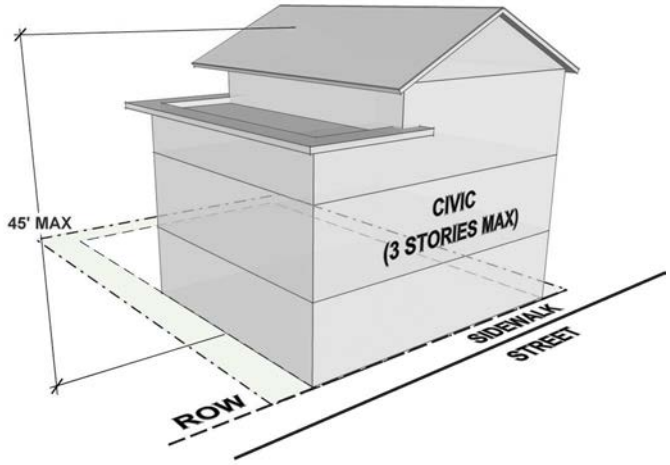
9.5-2 Civic Building Lot Type.

Building Placement/Parking/Vehicle Access	**Encroachment/Pedestrian Access**
	
1. Buildings shall be placed on the lot	1. Balconies, bay windows, arcades,

within the zone represented by the hatched area. In most cases, the build-to line will range from 0’ to 115’ behind street ROW. Special site conditions such as topography, lot width, or provision of a green or plaza will permit a larger building setback. 2. Side and rear setbacks will vary according to side and rear buffer requirements as set forth in Article 11, with a minimum 8 foot setback when no buffer is required. 3. Parking shall be located to the rear of the building; sideyard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified. 4. A planting strip, lawn or defined plaza should be provided to relate the building to the street. 5. Generally, building and street facades must be parallel to frontage property lines. 6. Points of permitted access to the parking indicated by arrows. 7. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall (knee wall should be a min. 2.5’ in height, max 3.5’ in height) shall be installed along any street frontage adjacent to parking areas. Knee walls should be built of brick, stone or other decorative masonry material, or should be built of wrought iron or other decorative	awnings and porches at an upper level and their supports at ground level are permitted and encouraged within the sidewalk as shown by the shaded area. Encroachments affixed to the building and horizontally protruding more than 6” from the face of the building must have a minimum 7’6” clearance from the finished grade. Encroaching awnings should cover the entire sidewalk within the permitted distance shown by the shaded area. 2. For buildings set back from the sidewalk, balconies, stoops stairs, open porches, bay windows, and awnings are permitted to encroach into front setback area up to 8’. 3. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

metal, and shall generally match the historic architectural style of Jamestown. 8. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical. 9. Trash containers shall be located in a rear parking area (see Parking Regulations) and shall be screened from the right-of – way per standards set forth in Article 11. 10. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites and shall be screened from view per standards set forth in Article 11.	

9.5-3 Building Type/Civic Building.

Permitted Height and Uses	Architectural Standards
	Principles A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the historic architectural vocabulary of the area in their external treatment (refer to *Historical Places in Jamestown*, Mary A. Browning, for historic architectural vocabulary).
1. For buildings with flat roofs, building height shall be measured as the vertical distance from the mean elevation of the existing grade to the highest finished roof surface. The height of parapet walls is not counted in the building height calculations and may vary depending upon the need to screen mechanical equipment. 2. For buildings with pitched roofs, building	B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, stucco, or similar material. Vinyl siding shall not comprise a street fronting building face. C. The front elevations facing the street, and the overall massing

heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. 3. Building height to the ridge may vary depending on the roof pitch. 4. Permitted uses are indicated in the above graphic, and are further controlled by zoning district standards. 5. Buildings shall have a maximum height of 60 feet.	shall communicate an emphasis on the human scale and the pedestrian environment. D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration. E. Schools, churches, and government buildings shall be built so that they terminate a street vista whenever possible, and shall be of sufficient design quality to create visual anchors for the community and serve as focal points for the neighborhood. Configurations A. Two wall materials may be combined horizontally on one facade. The “heavier” material should be below the “lighter” material and the “heavier” material can cover the first floor only (i.e. brick below wood siding). B. Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location. Clear textured glass is allowed in restrooms with windows. Stained glass or decorative art glass is permitted. C. Windows shall be of square or vertical proportion. Special windows may be circular or

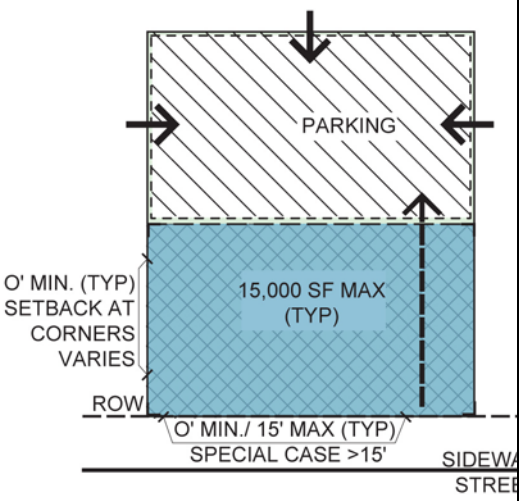
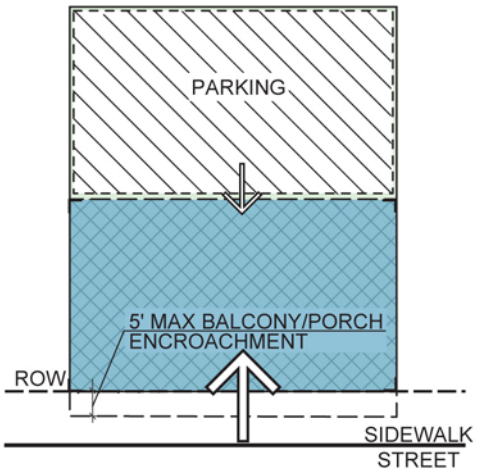
	regular polygons. D. Flat roof lines are allowed. Techniques A. Windows should be set to the inside of the building face wall. B. All rooftop equipment shall be screened from view from public Right-of-Ways by a building material that matches the structure or is visually compatible with the structure. The screening apparatus should be incorporated as part of the architectural theme.

9.6 Shopfront Commercial Lot and Building Type

9.6-1 Description. The shopfront building is a small-scale structure that can accommodate a variety of uses. The structure is typically a maximum of 15,000 square feet. A group of shopfront buildings can be combined to form a mixed-use neighborhood center. Individual shopfront buildings can be used to provide some commercial service, such as a convenience store or restaurant, in close proximity to homes. Traditional commercial buildings in historic southern towns provide good examples. Hotels, inns, and conference centers may be placed in shopfront or mixed-use buildings. Structures shall be designed to encourage pedestrian activity and interest. When located at the end of a block or other appropriate location, structures shall be designed to terminate vistas.

The photograph below is an example for illustration purposes only and is not intended to regulate lot/building styles, patterns, or forms.

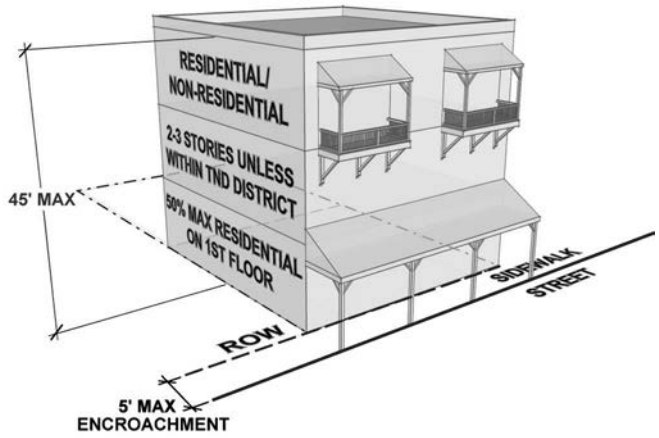
9.6-2 Shopfront Lot Type.

Building Placement/Parking/Vehicle Access	Encroachment/Pedestrian Access to Building
	
1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind the street ROW. Within the limits described above, front setbacks will vary depending upon site conditions. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings on the same block permit a larger setback. Setbacks should be used in a manner that encourages pedestrian activity. For example, squares or spatially defined plazas within building setback areas can act as focal points for pedestrians. Corners: Setback at street corners will generally replicate frontage conditions. Side setbacks on a minor street may be less than the front dimension. 2. Side and rear setbacks will vary according to side and rear buffer requirements as set forth in Article 11, with	1. Balconies, bay windows, arcades, awnings and porches at an upper level and their supports at ground level are permitted and encouraged within the sidewalk as shown by the shaded area. Encroachments affixed to the building and horizontally protruding more than 6" from the face of the building must have a minimum 7'6" clearance from the finished grade. Encroaching awnings should cover the entire sidewalk within the permitted distance shown by the shaded area. 2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrows).

a minimum 0 foot setback when no buffer is required. 3. Building facades shall be generally parallel to frontage property lines. Buildings in all locations should relate the principal façade to the sidewalk and public space of the street. 4. Parking shall be located primarily to the rear of the building; sideyard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on parking may be modified by TRC using "equal or better" performance standards. 5. Points of permitted access to the parking indicated by arrows. 6. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall (knee wall should be a min. 2.5’ in height, max 3.5’ in height) shall be installed along any street frontage adjacent to parking areas. Knee walls should be built of brick, stone or other decorative masonry material, or should be built of wrought iron or other decorative metal, and shall generally match the historic architectural style of Jamestown. 7. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical. 8. Trash containers shall be located in a rear parking area (see Parking Regulations, Article 12) and shall be screened from the right-of -way. 9. Mechanical equipment at ground level	

shall be placed on the parking lot side of building away from buildings on adjacent sites and shall be screened from view by an opaque screen or fence. 10. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale. The building's design shall promote pedestrian activity and pedestrian-driven commerce. The sidewalk shall be an extension of the street level businesses' operations. As such, pedestrians should be able to preview businesses' merchandise and/or dine from the sidewalk (Business activities shall not impede on the required pedestrian travel widths and shall not encroach more than 5 feet into the sidewalk).	

9.6-3 <u>Shopfront Building Type</u>.

Permitted Height and Uses	**Architectural Standards**
	Principles A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the historic architectural vocabulary of the area in their external treatment (refer to *Historical Places in Jamestown,* Mary A. Browning, for historic architectural vocabulary).
1. For buildings with flat roofs, building height shall be measured as the vertical distance from the mean elevation of the existing grade to the highest finished roof surface. The height of parapet walls is not counted in the building height calculations and may vary depending upon the need to screen mechanical equipment. 2. For buildings with pitched roofs, building	B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, stucco, or similar material. Vinyl siding shall not comprise a street fronting building face. C. The front elevations facing the street, and the overall massing

heights shall be measures as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. 3. Building height to the ridge may vary depending on the roof pitch. 4. Permitted uses are indicated in the above graphic, and are further controlled by zoning district standards. 5. Most shopfront buildings will have mixed-uses within the same footprint and, as such, should exhibit a vertical component. Buildings should have no less than 2 stories, but exceptions may be made by TRC using an "equal or better" performance standard. TRC shall take into account any existing architecture in buildings located within a 250' radius around the subject parcel. Buildings shall have no more than 3 stories, unless the building is in a TND district, in which case the maximum number of stories is not regulated (note- maximum height still applies).	shall communicate an emphasis on the human scale and the pedestrian environment. D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration. E. Drive-through customer services, if permitted in the district, must be located at the rear of the building or on a side which does not abut a street. F. Trailers (mobile units) may not be used as permanent workplace buildings. Configurations A. Two wall materials may be combined horizontally on one facade. The “heavier” material should be below the “lighter” material and the “heavier” material can cover the first floor only (i.e. brick below wood siding). B. Street level windows shall be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in ay location. C. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons. Techniques

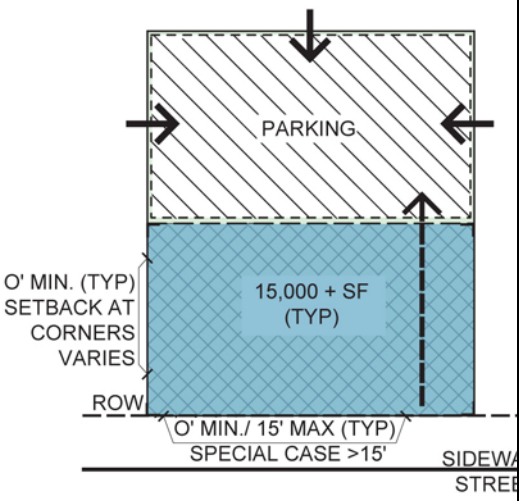
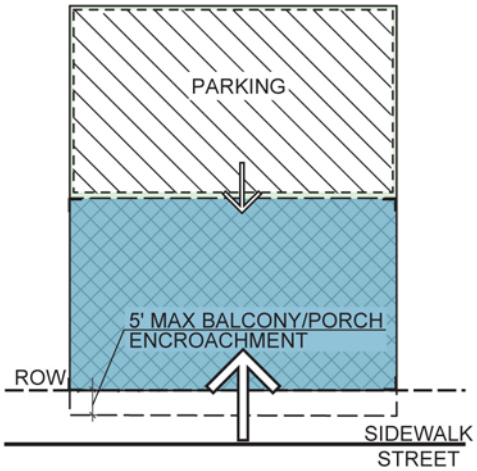
	A. Windows should be set to the inside of the building face wall. B. All rooftop equipment shall be screened from view from public Right-of-Ways by a building material that matches the structure or is visually compatible with the structure. The screening apparatus should be incorporated as part of the architectural theme.

9.7 Urban Workplace Lot and Building Type

9.7-1 Description. The urban workplace building may be a large structure (15,000+ square feet) and can have one or multiple tenants. Office, light industrial, and commercial tenants are typical. Southern mill villages often provide examples of how these buildings can reasonably coexist with other businesses and homes. These buildings serve as employment centers and commercial service locations. The buildings will provide space for industry and large offices, as well as hotels, conference facilities, and large retail uses such as a full service grocery store. Structures shall be designed to serve as key focal points and to establish the design template for the area. When located at the end of a block or other appropriate location, structures shall be designed to terminate vistas.

The photograph below is an example for illustration purposes only and is not intended to regulate lot/building styles, patterns, or forms.

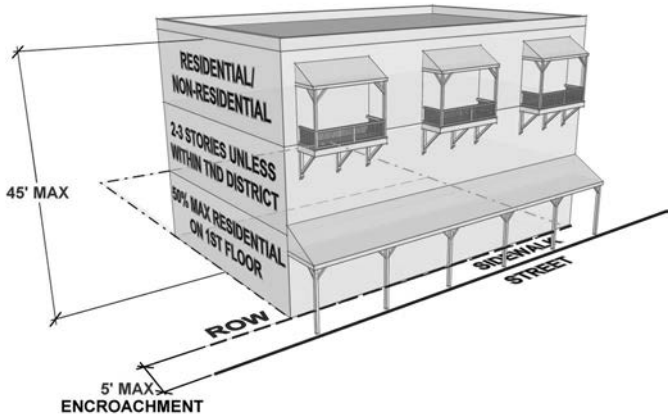
9.7-2 Urban Workplace Lot Type.

Building Placement/Parking/Vehicle Access	Encroachment/Pedestrian Access to Building
	
1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind the street ROW. Within the limits described above, front setbacks will vary depending upon site conditions. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings on the same block permit a larger setback. Setbacks should be used in a manner that encourages pedestrian activity. For example, squares or spatially defined plazas within building setback areas can act as focal points for pedestrians. Corners: Setback at street corners will generally replicate frontage conditions. Side setbacks on a minor street may be less than the front dimension. 2. Side and rear setbacks will vary according to side and rear buffer	1. Balconies, bay windows, arcades, awnings and porches at an upper level and their supports at ground level are permitted and encouraged within the sidewalk as shown by the shaded area. Encroachments affixed to the building and horizontally protruding more than 6" from the face of the building must have a minimum 7'6" clearance from the finished grade. Encroaching awnings should cover the entire sidewalk within the permitted distance shown by the shaded area. 2. Primary pedestrian access into the building shall be from the street frontage line (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrows).

requirements as set forth in Article 11, with a minimum 0 foot setback when no buffer is required. 3. Front and rear building facades shall be generally parallel to frontage property lines. The façade shall be determined by the massing of the building. Buildings in all locations should relate the principal façade to the sidewalk and public space of the street. 4. Parking shall be located primarily to the rear of the building; sideyard parking shall occupy no more than 35% of the primary frontage line and shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified. 5. Points of permitted access to the parking indicated by arrows. 6. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall (knee wall should be a min. 2.5' in height, max 3.5' in height) shall be installed along any street frontage adjacent to parking areas. Knee walls should be built of brick, stone or other decorative masonry material, or should be built of wrought iron or other decorative metal, and shall generally match the historic architectural style of Jamestown. 7. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical. 8. Trash containers shall be located in a rear parking area (see Parking Regulations, Article 12) and shall be screened from the right-of –way per standards set forth in	

Article 11. 9. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites and shall be screened from view per standards set forth in Article 11. 10. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale. The building's design shall promote pedestrian activity and pedestrian-driven commerce. The sidewalk shall be an extension of the street level businesses' operations. As such, pedestrians should be able to preview businesses' merchandise and/or dine from the sidewalk (Business activities shall not impede on the required pedestrian travel widths and shall not encroach more than 5 feet into the sidewalk unless curb bulb-outs and/or other alternatives for pedestrian travel can be identified and constructed).	

9.7-3 Urban Workplace Building Type.

Permitted Height and Uses	**Architectural Standards**
	Principles A. To perpetuate the unique building character of the town and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the historic architectural vocabulary of the area in their external treatment (refer to *Historical Places in Jamestown*, Mary A. Browning, for historic architectural vocabulary).

1. For buildings with flat roofs, building height shall be measured as the vertical distance from the mean elevation of the existing grade to the highest finished roof surface. The height of parapet walls is not counted in the building height calculations and may vary depending upon the need to screen mechanical equipment. 2. For buildings with pitched roofs, building heights shall be measures as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. 3. Building height to the ridge may vary depending on the roof pitch. 4. Permitted uses are indicated in the above graphic, and are further controlled by zoning district standards. 5. Buildings shall have no less than 2 stories. Buildings shall have no more than 3 stories, unless the building is in a TND district, in which case the maximum number of stories is not regulated (note-maximum height still applies).	B. Building elevations fronting or visible from public streets shall be clad with masonry, wood, stucco, or similar material. Vinyl siding shall not comprise a street fronting building face. C. The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. D. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration. E. Drive-through customer services, if permitted in the district, must be located at the rear of the building or on a side which does not abut a street. F. Trailers (mobile units) may not be used as permanent workplace buildings. Configurations A. Two wall materials may be combined horizontally on one facade. The “heavier” material should be below the “lighter” material and the “heavier” material can cover the first floor only (i.e. brick below wood siding). B. Street level windows shall be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not

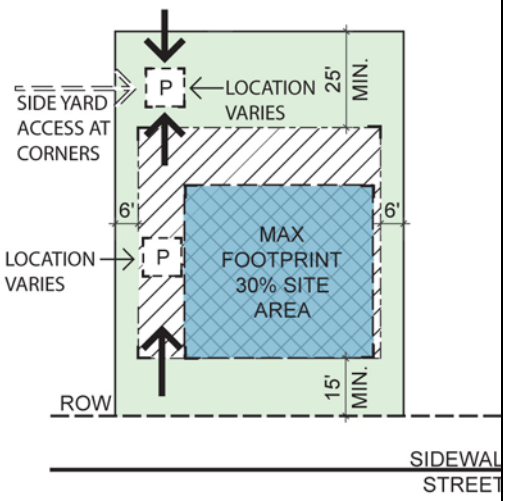
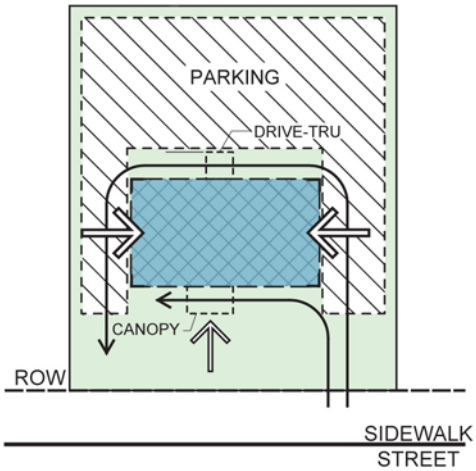
	permitted in ay location. C. Windows shall be of square or vertical proportion. Special windows may be circular or regular polygons. Techniques A. Windows should be set to the inside of the building face wall. B. All rooftop equipment shall be screened from view from public Right-of-Ways by a building material that matches the structure or is visually compatible with the structure. The screening apparatus should be incorporated as part of the architectural theme.

9.8 Highway Lot Type and Building Type Standards

9.8-1 Description This building type generally comprises fast food retail, drive through banks, motels, industry, and other highway dependent uses. These regulations are designed to bring these building types into a framework of town streets and provide for an aesthetically pleasing suburban environment. Structures should be designed to present an interesting and uniquely Jamestown design to the passing motorist. Access shall be designed to not impede safe traffic movement.

The photograph below is an example for illustration purposes only and is not intended to regulate lot/building styles, patterns, or forms.

9.8-2 Highway Lot Type Standards.

Building Placement/Parking/Vehicle Access	Vehicular Circulation/Pedestrian Access
	
1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will be 20' to 60' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings on the same street within 500 feet of the proposed building may permit a larger setback. 2. Side and rear setbacks will vary according to side and rear buffer requirements as set forth in Article 11, with a minimum 5 foot setback when no buffer is required. 3. Building facades shall be generally parallel to frontage property lines. 4. Parking shall be located to the rear and/or side of the building. Sideyard parking may occupy no more than 35% of the principle frontage line and shall be buffered from the street according to the	1. Main pedestrian access to the building may be from the side (indicated by the larger arrows) and shall not be from the rear. If the primary pedestrian access is from the side of the building, secondary pedestrian access must be from the front (indicated by the smaller arrow). However, primary pedestrian access to the building may be from the front. 2. Drive-throughs, gasoline and fuel pumps, and auto-oriented service facilities shall be located to the rear of the building. 3. Entrance canopies (for motels, etc.) shall be oriented towards the primary street. 4. Typical vehicular circulation movement is indicated by thin line arrows.

buffer requirements as set forth in Article 11. Parking shall not be placed in any sideyard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitations on sideyard parking may be modified. 5. Points of permitted access to the parking indicated by arrows. 6. Hedges, garden walls, or knee walls may be built on property lines or as the continuation of building walls. A garden wall, hedge or knee wall (knee wall should be a min. 2.5' in height, max 3.5' in height) shall be installed along any street frontage adjacent to parking areas. Knee walls should be built of brick, stone or other decorative masonry material, or should be built of wrought iron or other decorative metal, and shall generally match the historic architectural style of Jamestown. 7. Parking areas on adjacent lots shall be connected with vehicular and pedestrian connections wherever practical. 8. Trash containers shall be located in the rear parking area and shall be screened from the right-of –way per standards set forth in section Article 11. 9. Mechanical equipment at ground level shall be placed on the parking lot side of building away from buildings on adjacent sites and shall be screened from view per standards set forth in Article 11.	

9.8-3 Highway Building Type Standards.

Permitted Height and Uses	**Architectural Standards**
1. For buildings with flat roofs, building height shall be measured as the vertical distance from the mean elevation of the existing grade to the highest finished roof surface. The height of parapet walls is not counted in the building height calculations and may vary depending upon the need to screen mechanical equipment. 2. For buildings with pitched roofs, building heights shall be measures as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights. 3. Building height to the ridge may vary depending on the roof pitch. 4. Permitted uses are indicated in the above graphic, and are further controlled by zoning district standards.	Principles A. Building elevations fronting or visible from public streets shall be clad with masonry, wood, stucco, or similar material. Metal paneling may not comprise a street fronting building face. B. All walls not visible from a public right-of-way may be constructed of cinder block, brick, wood or vinyl siding, or metal paneling but shall be painted to match the overall color scheme of the rest of the building. C. Buildings in all locations should relate a principal facade to the sidewalk and public space of the street. D. Corners: Setback at street corners will generally replicate frontage conditions. E. Trailers (mobile units) may not be used as permanent highway buildings. F. The architectural design should be reflective of the Town's historic architectural style (refer to *Historical Places in Jamestown*, Mary A. Browning, for historic architectural vocabulary). In no circumstance shall a building's design ignore Jamestown's architectural style in favor of a corporate brand design. Configurations A. Two wall materials may be combined horizontally on one façade. The "heavier" material should be below the "lighter" material (i.e. brick below wood siding).

	B. Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirrored or reflective glass is not permitted in any location. Techniques A. All rooftop equipment shall be screened from view from public Right-of-Ways by a building material that matches the structure or is visually compatible with the structure. The screening apparatus should be incorporated as part of the architectural theme.

ARTICLE 10
USES WITH ADDITIONAL STANDARDS AND CONDITIONAL USES

10.1 Uses With Additional Development Standards

10.1-1 Purpose. Certain uses provide services and benefits for residents of and visitors to the Town of Jamestown. The convenient location of these uses is necessary to their success and the function of the community. Due to the potential impacts of theses uses, certain additional standards are necessary to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require additional standards and establishes the standards they must meet.

10.1-2 Standards Established. The following Uses with Additional Standards and the standards they must meet are hereby established.

10.1-3 Accessory Dwelling Units

A. Zoning Districts. AG, SFR, RMST, MSP, TND

B. Development Standards.

(1) One (1) accessory dwelling unit shall be permitted only on a lot containing a single dwelling unit (the principal dwelling) and conforming accessory structures in any single family zoning district.
(2) The accessory dwelling unit shall not be considered a separate unit for the purpose of determining minimum lot size or maximum density.
(3) Home occupations shall not be located within the accessory dwelling unit.
(4) The maximum gross floor area for the accessory dwelling unit shall be 750 SF or 25% of the gross floor area of the principal structure, whichever is greater. In no case shall the gross floor area of the accessory dwelling unit exceed 1200 SF nor shall the size of the accessory dwelling unit exceed 50 percent of the gross floor area of the principal dwelling unit.
(5) The accessory dwelling unit may be located within same structure as the principal dwelling unit or it may be a separate structure. If within the same structure as the principal dwelling unit, the accessory dwelling unit may have a separate entrance. If the accessory dwelling unit is located in a separate structure, the following standards shall apply:
    a. The accessory structure housing the accessory dwelling unit must be located behind the principal dwelling. On corner lots, the accessory structure housing the accessory dwelling unit may be located on the corner street side of and behind the principal dwelling, but must be oriented to the front street (same orientation as principal dwelling)

b. Vehicular access to the accessory dwelling unit shall be via the same drive that provides access to the principal structure unless the accessory dwelling unit is located on a corner or through lot. If located on a corner or through lot, a secondary drive may provide access to the accessory dwelling unit but the secondary drive shall not be on the same street as the drive providing access to the principal dwelling

(6) One (1) parking space shall be provided for the accessory dwelling unit. The parking space shall be located in the same area as the parking provided for the principal dwelling unit unless the lot is a corner or through lot and a separate drive provides access to the accessory dwelling unit.

(7) The design and construction of the accessory structure housing the accessory dwelling unit shall be compatible with the design and construction of the principal dwelling unit. To ensure compatibility, the following standards shall be met:

a. The design of the accessory structure housing the accessory dwelling unit shall be of the same architectural style as that of the principal dwelling unit.

b. The roof style and pitch of the accessory structure housing the accessory dwelling unit shall be the same as that of the principal dwelling unit.

c. The exterior building materials used for the accessory structure housing the accessory dwelling unit shall be the same as those used for the principal dwelling unit. When the principal dwelling unit is predominantly brick or stone, the use of smooth wood or fibrous cement siding for the accessory structure housing the accessory dwelling unit is appropriate to reinforce the ancillary and secondary nature of the accessory dwelling unit.

d. Windows and doors used for the accessory structure housing the accessory dwelling unit shall be the same style and design as those used for the principal dwelling unit. Window and door placement (fenestration) on the accessory structure housing the accessory dwelling unit shall mimic that of the principal dwelling unit.

e. Exterior paint colors for the accessory structure housing the accessory dwelling unit shall be the same as (or complementary to) those for the principal dwelling unit.

(8) The use of manufactured dwellings, mobile homes, travel trailers, campers, or similar units as an accessory dwelling unit is prohibited.

(9) The accessory dwelling unit shall not be sold separately from the principal dwelling unit.

10.1-4 Automobile Repair Service.

A. Zoning Districts. MSP, C/MST, C, B

B. Development Standards.

(1) Vehicles awaiting repair shall not be parked in front of the building

(2) No automobile work areas are to be located in front of building.

(3) All auto work areas shall be screened from adjacent uses with a six (6) foot tall opaque fence and a type D buffer; plantings shall be on the exterior side of the fence.

10.1-5 Automobile Towing and Storage Service.

A. Zoning District. IND

B. Development standards.

(1) No more than 30 automobiles shall be stored at an automobile towing and storage service at a time.

(2) The automotive storage area must be screened with a six foot tall opaque fence and a type C buffer; plantings shall be on the exterior side of the fence.

(3) No outdoor disassembly or salvaging is permitted.

10.1-6 Bank, Savings and Loan, Credit Union.

A. Zoning Districts. MSP, MS, TND

B. Development standards.

(1) Drive-through facilities shall be located at the rear of the building

(2) No more than 2 drive-through lanes shall be permitted

(3) Drive-through facilities shall be screened from adjacent uses with a type D buffer

(4) ATM may be located at side or front of building only if a walk-up facility

10.1-7 Batting Cages, Outdoor.

A. Zoning Districts: C, B, TND

B. Development standards:

(1) Fencing, netting, or other control measures shall be provided around the perimeter of the batting area to prevent balls from leaving the area.

(2) Hours of operation 7:00 AM – 10:00 PM

10.1-8 Bed and Breakfast (Tourist Home).

A. Zoning Districts: AG, RMST

B. Development Standards

(1) Bed and breakfast establishments (tourist homes) shall be located a minimum of 500 feet from other bed and breakfast establishments (tourist homes). In calculating the 500 foot distance between bed and breakfast establishments (tourist homes), measurements shall be taken from the closest property line of the existing bed and breakfast establishment (tourist home) lot to the closest property line of the lot of the proposed bed and breakfast establishment (tourist home). Existing, legally established bed and breakfast establishments (tourist homes) that do not meet this separation requirement of 500 feet are permitted to expand within the subject property to the maximum limits allowed under this chapter, as long as all applicable development standards are met.

(2) The owner shall reside on the property.

(3) The minimum lot area for a bed and breakfast establishment (tourist home) shall be 20,000 square feet.

(4) The maximum number of guest rooms provided by the bed and breakfast establishment (tourist home) shall be eight.

(5) Accessory structures shall not be utilized for guest accommodation purposes as part of a bed and breakfast establishment (tourist home).

(6) Passive recreation-related outdoor activities such as tea-time are allowed outside the principal structure or any accessory structure(s), but all other activities and functions designed to serve and entertain guests shall take place only within the principal structure.

(7) The length of stay of guests shall not exceed 14 days.

(8) No home of less than 3,000 heated square feet shall be used for a bed and breakfast establishment (tourist home).

(9) Off-street parking shall be provided as required by Article 12 of this Ordinance. Parking shall be located on the same lot on which the bed and breakfast establishment (tourist home) is located, at the rear of the lot and screened with a type C buffer from adjacent properties and from the street.

(10) Signage shall be limited to a single sign, not to exceed eight square feet, with a maximum height of four feet. The sign shall be located in the front yard and, if lit, shall be indirectly lighted.

(11) Exterior lighting shall be residential in nature and shall not be directed towards adjacent properties.

(12) Activities and functions at the bed and breakfast establishment (tourist home) shall be provided for overnight guests only and shall be limited to breakfast and an afternoon and/or evening refreshment. No commercial activities other than providing lodging for registered guests shall be permitted.

(13) The construction and operation of the bed and breakfast establishment (tourist home) shall comply with N.C. State Building

Code requirements

10.1-9 Car Wash.

A. Zoning Districts: C, B, C/MST

B. Development Standards:

(1) Building(s) shall be at least 75 feet from any interior side or rear property line which adjoins property zoned for residential or mixed use. A minimum six foot high opaque fence and a type __ buffer shall be provided adjacent to all property zoned for residential or mixed use, with the plantings on the exterior side of the fence.

(2) All washing operations shall be contained in a building.

(3) Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of vehicles where these services are offered on the site. These areas shall not conflict with on-site circulation patterns.

(4) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

(5) Hours of operation shall be between 8:00 a.m. and 8:00 p.m. when adjoining developed residentially zoned property.

(6) Adequate provision shall be made for the safe and efficient disposal and/or recycling of waste products and runoff.

10.1-10 Cemetery or Mausoleum.

A. Zoning District: AG, SFR, RMST, CDO, SCO, INST, C, TND

B. Development Standards:

(1) A minimum of three (3) contiguous acres shall be required to establish a cemetery or mausoleum not located on the same tract of land as a church.

(2) Principal access must be from a collector street or higher capacity street.

(3) Tombstones, crypts, monuments and mausoleums must be located at least 25 feet from any street right-of-way line or abutting property.

(4) Buildings for maintenance, management, rent and /or sale of cemetery lots must conform to a building type permitted in the zoning district

10.1-11 Church, Synagogue, Place of Worship.

A. Zoning District: SFR, RMST, CDO, TND (Permitted as Use By Right in all other districts)

B. Development Standards:

(1) Churches, synagogues, and other places of worship shall meet the standards for civic building and lot types.

(2) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces

of adjacent residential properties. All exterior lighting shall be full cut-off fixtures.

(3) Accessory dwelling units for persons associated with or employed by the church, synagogue, or place of worship may be provided at a ratio of 1 unit for each 1 acre of site; these limits do not apply to the placement of convents, rectories, parsonages or similar uses on the site.

(4) Accessory uses such as religious institution offices, religious bookstores serving the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, cemeteries and day care centers on the same site or sites contiguous to the principal use shall be permitted wherever religious institutions are permitted and shall meet the civic building and lot type, or another building and lot type permitted in the zoning district. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such. Tombstones, crypts, monuments and mausoleums in accessory cemeteries shall be located at least 25 feet from any street right-of-way line or abutting property.

(5) Religious institution accessory uses which are **not** permitted as principal uses in a district shall adhere to the following restrictions:

a. No merchandise or merchandise display shall be visible from outside the building;

b. No business or identification sign exceeding 6 square feet pertaining to the accessory uses shall be visible from outside the building;

(6) Except as noted in subsection 10.1-11(B)4., above, accessory uses not permitted as principal uses (including television stations, radio stations, and/or sports complexes) are prohibited. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.

(7) Application for a zoning permit shall include a comprehensive site plan that addresses the required standards for the main site and all abutting holdings.

10.1-12 <u>Club or Lodge</u>

A. Zoning Districts: C/MST

B. Development Standards

(1) Building(s) must conform to a building type permitted in the zoning district.

(2) Activities and events at the club or lodge shall occur between the hours of 8:00 AM and 12:00 midnight

(3) Access shall be from a collector or higher capacity street.

10.1-13 Country Club with Golf Course.

A. Zoning Districts: SFR, RMST, CDO

B. Development Standards:

(1) Building(s) must conform to a building type permitted in the zoning district.

(2) Parking shall be screened from residential and mixed use districts with a type C buffer.

(3) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties. All exterior lighting shall be full cut-off fixtures.

(4) No outdoor activity shall continue past the hour of 9:00 PM.

10.1-14 Day Care Center for Children or Adults (6 or more).

A. Zoning Districts: MSP, MS, C, B, C/MST, INST, TND

B. Development Standards

(1) A center must meet a permitted building and lot type for the district in which it is to be located.

(2) Day care centers for children must provide play space in accordance with the regulations of North Carolina Department of Human Resources. The outdoor play space must be enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuited for children's play space; play space may not be in the established front yard.

(3) There is no limit on the hours of operation of an Adult Day Care Center, but it shall not serve any client on a continuous 24-hour basis.

10.1-15 Day Care Center, Home Occupation for less than 6 children.

A. Zoning Districts: AG, SFR, RMST, CDO, MSP, C/MST, TND

B. Development Standards:

(1) The day care operation must be located within the residential dwelling unit occupied by the operator of the service. Preschool instruction and daytime care is limited to 6 children not related to the operator.

(2)Play space must be provided in accordance with the regulations

of the North Carolina Department of Human Resources.

(3) Outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas, or land otherwise unsuited for children's play space; it is prohibited in any established building setback from a street.

(4) No chain link fences shall be permitted in the front yard. Chain link and similar fencing materials located in the side and rear yards shall be planted on the exterior side with evergreen shrubs minimum 3 feet in height and 6 feet on center at installation, or be obscured by a comparable screening treatment.

(5) A day care center, home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.

(6) There are no specific limitations on the hours of operation of a Day Care Home, but no outdoor play shall be permitted after sun down.

10.1-16 Dormitories

A. Zoning District: CIV

B. Development Standards:

(1) Must be located on the campus of secondary or post-secondary school.

(2) The dormitories must be administered/managed by the secondary or post-secondary school on whose campus they are located.

(3) Buildings shall comply with the building type standards permitted in the Civic District.

10.1-17 Drive Through Window as Accessory Use.

A. Zoning Districts: MSP, C, B, C/MST, TND

B. Development Standards:

(1) Drive-through service windows, stacking lanes, and circulation are prohibited in the established front setback of the principal building, or in an established side yard which abuts a street.

(2) Drive-through service windows, stacking lanes, and circulation are treated as components of on-site parking for the purposes of buffering.

(3) The length of on-site stacking lane(s), taken together, shall be a minimum of 200 feet if window access is provided directly

from a major or minor thoroughfare; a minimum of 100 feet if window access is provided directly from a street of lesser capacity.

(4) The drive-through lane(s) must be distinctly marked by special striping, pavement markings, or traffic islands. A separate circulation drive must be provided for passage around and escape from the outermost drive-through service lane.

(5) Buffering is not required for walk-up service accessories such as depositories and ATM's.

10.1-17(a) Electronic Gaming Operation

A. Zoning District: IND

B. Development Standards:

(1) SEPARATION FROM CERTAIN USES - No Electronic Gaming Operation shall be located within 1/2 mile in any direction from any other Electronic Gaming Operation. This required separation shall apply whether the above uses are principal or accessory uses.
All measurements in this Section shall be from the outer building walls of the proposed use to the nearest property line of the above specified uses, and such measurement shall be in a straight line without regard to intervening structures.

(2) HOURS OF OPERATION, ACCESS AND VISIBILITY - No Electronic Gaming Operations shall engage in business prior to 8:00 a.m. or after 12:00 midnight, Monday through Saturday and not prior to 12:00p.m. or after 12:00 midnight on Sunday. During hours of operation, electronic gaming operations shall be open for direct, unobstructed access by police, fire and emergency response personnel. All entrance doors shall remain unlocked while patrons are on the premises. All Electronic Gaming Operations terminals, computers, machines, and/or gaming stations shall be open and visible from the exterior front of the establishment.

(3) AGE RESTRICTIONS - No person or entity engaged in Electronic Gaming Operations shall allow, permit or condone any person under the age of eighteen (18) to be upon the premises while patrons are engaged in Electronic Gaming Operations.

(4) SIGNAGE - Signage shall meet all the requirements of Article 17 Signage and the following requirements. No signs shall be posted on the windows of the property which are visible from the exterior of the development. No neon or other effects which simulate the appearance of neon, nor any flashing, chasing, undulated, or other variable lighting effects shall be used in connection with any use hereunder where such lighting effect would be visible from the exterior of the establishment. All rules of the electronic games shall be displayed prominently within the establishment.

(5) PARKING - Parking shall be provided at the maximum rate of one (1) space per full time employee plus one (1) space per gaming terminal and/or electronic gaming machine in the establishment, and a minimum of one (1) space per full time employee plus three-quarters (3/4) space per gaming terminal/electronic machine in the establishment, and in accordance with Article 12 Parking.

(6) MAXIMUM NUMBER OF TERMINALS - The maximum number of terminals, computers, machines, and/or gaming stations permitted within an Electronic Gaming Operation is fifteen (15).

10.1-18 Golf Course (see Country Club with Golf Course).

10.1-19 Golf Driving Range.

A. Zoning Districts: C, B

B. Development Standards:

(1) Fencing, netting, or other control measures shall be provided around the perimeter of the driving range to prevent balls from leaving the area.

10.1-20 Go-Cart Raceway.

A. Zoning District: IND

B. Development Standards:

(1) A minimum separation of 30 feet, fully vegetated, shall be provided between any use area and any abutting property line. The vegetation shall form a permanent semi-opaque screen between the use area and adjacent property.

(2) Any use area shall be located a minimum of 200 feet from any residential or mixed use district.

(3) The site shall be screened from the street(s) by a masonry wall or a solid wood fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least 8 feet at maturity; if security fencing of chain link or similar material is provided, it shall be placed on the interior side of the vegetation and wall or fence.

(4) The hours of operation will be no earlier than 8:00 a.m. and no later than 11:00 p.m.

10.1-21 Home Occupation.

A. Zoning Districts: AG, SFR, RMST, CDO, SCO, MS, MSP, C/MST, C, B, TND

B. Development Standards:

(1) No display of goods, products, or services, or other advertising shall be visible from outside the dwelling, except that home occupations shall be allowed one attached sign that shall not

exceed four square foot per face, with no more than two faces per sign, and such sign shall not be illuminated.

(2) Home occupations shall be principally conducted by residents of the dwelling. However, a maximum of one full-time equivalent non-resident of the dwelling may be employed as part of the home occupation.

(3) On premise retail sales shall not be a component of the home occupation.

(4) A maximum of 25 percent of the gross floor area of the dwelling unit may be used for the home occupation. If the home occupation is housed in an accessory structure, the square footage of the accessory structure shall not exceed 25 percent of the square footage of the principal structure (home).

(5) Only one vehicle principally used in connection with the home occupation shall be parked or stored on premise. Such a vehicle shall not display any signage designed to be visible beyond the property boundaries. Where possible, such vehicle shall be parked in an enclosed garage when not in business use.

(6) No equipment or process shall be used in connection with the home occupation that creates noise, vibrations, glare, fumes, odors, or electrical interference off premises.

(7) In addition to required parking as stipulated in Article 12, one additional off street parking space shall be provided for use in conjunction with the home occupation.

(8) Instruction in music, dancing, art, or similar subjects shall be limited to no more than five (5) students at one time.

(9) The home occupation shall not materially increase the traffic that is found in its vicinity when the use is not in operation. Pursuant to this, a maximum of six individuals per day may visit the home occupation with the exception of the instruction occupations addressed in 10.1-21.B(8) above.

10.1-22 Junked Motor Vehicle Storage as Accessory Use.

A. Zoning Districts: AG, SFR, RMST, CDO, MS, MSP, C, B, C/MST, CIV, IND, TND

B. Development Standards:

(1) Any vehicle meeting the definition of "motor vehicle, junked" shall be stored or placed in the side or rear yard of the property in such a manner so as to be totally screened from view from any street and/or from any adjacent residential, mixed use, or civic zoned property. Total screening shall be provided by placement of the vehicle behind a building and/or by plant materials, fences, berms, or a combination thereof with a minimum height of six (6) feet.

(2) Open storage of more than one such vehicle shall require classification as a junkyard, salvage yard, auto parts use and shall

meet the conditions for such use as set forth elsewhere in this Article.

(3) More than one such vehicle may be stored within a completely enclosed building.

10.1-23 Kennels or Pet Grooming with Outdoor Pens or Runs.

A. Zoning Districts: AG, C, B, IND

B. Development Standards:

(1) The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed use district.

(2) The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed use district with a type B buffer.

10.1-24 **RESERVED FOR FUTURE USE**

10.1-25 Nursing Home, Assisted Living.

A. Zoning District: CDO, RMST, MS, MSP, INST, C, B, C/MST, TND

B. Development Standards:

(1) The facility shall provide centrally located shared food preparation, food service, and dining areas.

(2) Common recreation, social, and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit.

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

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

10.1-26 Parks and Recreation Facilities, Public

A. Zoning Districts: SFR, RMST, CDO, MSP, INST, TND

B. Development Standards:

(1) Overflow parking (in addition to required parking) must be designed on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.

(2) All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.

(3) Lighting, with the exception of lighting for ball fields and tennis courts, shall be full cut-off fixtures.

10.1-27 Special Events and Temporary Structures

A. Zoning Districts: See Article 15

B. Development Standards: See Article 15

10.1-28 School, Elementary or Secondary

A. Zoning Districts: SFR, RMST, CDO, MSP, TND

B. Development Standards:

(1) Minimum lot size:

a. Kindergarten (only): One acre.

b. K-12: Two acres.

(2) Minimum setback standards:

a. Front: Twice that for permitted uses in the respective zoning district.

b. Side: 25 feet

c. Rear: 25 feet.

(3) Building type shall be civic building.

(4) Parking and active recreation areas shall not be located within the required building setbacks.

(5) Primary access shall be provided from thoroughfare or collector streets. Local residential streets shall not be used for primary access.

(6) Site lighting shall be full cut-off fixtures

10.1-29 Swim and Tennis Club

A. Zoning Districts: SFR, RMST, CDO, TND

B. Development Standards:

(1) The minimum area shall be two (2) acres. The minimum area shall be one (1) acre if located as part of a common area within a development.

(2) There shall a minimum fifty (50) foot separation (distance) between clubhouse, swimming pool, lighted tennis court, or athletic field and any adjacent residentially-zoned property.

(3) Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

(4) Site lighting shall be full cut-off fixtures. If proof is provided that such lighting is inadequate for the tennis courts, the Planning Director may approve other lighting for the tennis courts only.

10.1-30 Temporary Structures

A. Zoning Districts: See Article 15

B. Development Standards: See Article 15

10.1-30.1 Temporary Health Care Structures

A) Zoning districts: SFR

B) Development standards:

1) THC Structures shall abide by all laws of G.S. 160A-383.5.

2) One THC structure may be permitted as an accessory use on any single-family residential zoned lot and must meet all setbacks for an accessory building.

3) The structure must not be occupied by any more than one person and the Town may require proof of guardianship, care-giver status, mental or physical impairment, and relative relationship (must be first or second degree relative by law).

4) A fee equal to that of the Development Clearance Certificate fee (not to exceed $100) shall be required.

5) Water and sewer connections may be required (and fees paid to the Town) at the discretion of the Public Services Director in accordance with the Water & Sewer Policy of the Town of Jamestown.

6) Such structures shall be removed no later than sixty (60) days following the termination of care of the mentally or physically impaired person listed on the request for such a structure.

7) Building may not have a permanent foundation, but must meet all applicable building code requirements.

10.1-31 Veterinary Service with Outdoor Kennels

A. Zoning Districts: C, B, IND

B. Development Standards:

(1) The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed use district.

(2) The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed use district with a type B buffer.

10.1-32 Wireless telecommunication facilities, microcell.

A. Zoning districts: All zoning districts

B. Development Standards

(1) Microcellular wireless telecommunication facilities are permitted on buildings and other existing structures (other than off-premise signs) which do not require an increase in height to accommodate the facility. Electric distribution poles may be extended in height in residential zoning districts to the lesser of 20 feet above the

vegetative canopy in the vicinity of the site as determined by the Town arborist, or 80 feet in height. Such extensions shall qualify as an existing structure for purposes of this section. Such height extensions of electric distribution poles shall only be permitted if no other distribution pole within 1,320 feet of the proposed site has been extended in height above the average pole height on the same distribution line as documented by the utility owning such poles.

(2) All antennas associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be flush-mounted against the side of the building or structure and camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted.

(3) Antennas associated with a microcellular wireless telecommunication facility mounted on a utility pole must be mounted atop the pole or flush mounted against the sides of the pole, and shall be colored to match or complement the color of the utility pole and shall be mounted in as unobtrusive a manner as possible.

(4) Antennas associated with a microcellular wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.

(5) Equipment enclosures associated with microcellular wireless telecommunication facilities mounted on a building or other existing structure (other than a utility pole) shall be mounted inside the building or structure, attached to an exterior surface, or placed underground or on a concrete pad on the ground outside the building or structure. If mounted on an exterior surface, the enclosures shall be colored or camouflaged to match or complement the color and architectural treatment of the surface on which they are mounted. If placed on a concrete pad on the ground, the enclosures shall be screened so as to make them unobtrusive.

(6) Equipment enclosures associated with a microcellular wireless telecommunication facility mounted on a utility pole, must be mounted on the utility pole; provided, however, if combiners are used to allow co-location by sharing of an antenna or antenna array and pole-mounting of equipment enclosures cannot be accommodated on the pole, the combiner and additional equipment enclosures may be placed underground or on a concrete pad on the ground. If placed on a concrete pad on the ground, such additional equipment enclosures shall be screened so as to make them unobtrusive.

(7) All cabling and wiring connecting antennas, equipment enclosures, and other components of a microcellular wireless telecommunication facility shall be colored or concealed in a manner as to render them unobtrusive.

(8) Microcellular wireless telecommunication facilities located in a local historic district or on a historic landmark shall require a certificate of appropriateness from the historic resources commission.

(9) Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

(10) A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

(11) As part of its application each applicant for a microcellular wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility upon abandonment or cessation of operations. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town for all costs it incurs to perform any work required of the applicant by the agreement that the applicant fails to perform. A $1,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of its maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

(12) Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days' written notice of its intention to do so to the permittee at its last known address.

(13) An annual wireless telecommunication facility permit shall be required for each wireless telecommunication facility located in the Town. Before an annual permit shall be issued or renewed an applicant or permittee must certify that:

a. It currently holds an FCC license to provide commercial wireless services and that such license is in good standing or, if the permittee is not an FCC licensee, that the license of each of its FCC tenants is in good standing.

b. The wireless telecommunication facility continues to be operated by the permittee and that it has a continuing need for the facility to meet the requirements of its FCC license.

c. That the facility continues to comply with all FCC and FAA rules and regulations.

d. That the permittee currently has general liability insurance of at least $1,000,000.00 in force covering the wireless telecommunication facility as evidenced by a certificate of insurance attached to its renewal application.

e. That it is in compliance with its maintenance/removal agreement and that any bond or other security given in conjunction therewith remains in full force and effect.

f. That it has not constructed, maintained, modified or operated any wireless telecommunication facilities in the Town without the Town's approval or, if it has done so, that it has ceased operating and has removed all such facilities.

Failure to obtain or renew an annual wireless telecommunication facility permit shall result in the wireless telecommunication facility being deemed abandoned and subject to removal, as well as subjecting the facility's owner to all other penalty and enforcement provisions of this Code. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days' advance written notice to the permittee at its last known address of the pending expiration of the permittee's annual wireless telecommunication facility permit. Fees for annual wireless telecommunication facility permits shall be as established by the Town of Jamestown

.

10.1-33 <u>Wireless telecommunication facilities, concealed</u>.

A. Zoning Districts: All zoning districts.

B. Development Standards

(1) Concealed wireless telecommunication facilities are permitted on buildings and alternative structures (other than off-premise signs and telecommunication towers).

(2) For purposes of this section, antennas mounted on an electric transmission tower shall qualify as a concealed wireless telecommunication facility provided antennas associated with such

a facility do not extend more than ten feet above the top of the supporting structure nor more than two feet from the sides of the structure. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad and screened so as to make them unobtrusive.

(3) For purposes of this section, antennas mounted on an electric distribution tower, street lighting pole or traffic light pole shall qualify as a concealed wireless telecommunication facility provided antennas associated with such a facility do not extend more than ten feet above the top of the supporting structure nor more than two feet from the sides of the structure, and equipment enclosures associated with the facility occupy less than 60 cubic feet. Equipment enclosures associated with such a facility may be mounted on the structure or placed underground or on the ground on a concrete pad. Electric distribution poles may be extended in height in RMST and CMST zoning districts to the lesser of 20 feet above the vegetative canopy in the vicinity of the site as determined by the Planning Director, or 80 feet in height. Such extensions shall qualify as an existing structure for purposes of this section. Such height extensions of electric distribution poles shall only be permitted if no other distribution pole within 1,320 feet of the proposed site has been extended in height above the average pole height on the same distribution line as documented by the utility owning such poles.

(4) Panel antennas associated with concealed wireless telecommunication facilities may not exceed eight feet in height. If flush-mounted on the side of a building or alternative structure, antennas shall be camouflaged to match or complement the color and architectural treatment of the surface. Antennas extending above the roof line of a building shall be concealed behind an RF-transparent parapet wall or facade which is camouflaged to match or complement the color and architectural treatment of the building or structure. Such parapet walls or facades shall not extend more than ten feet above the roof line. Where a parapet wall is at least eight feet in height, omnidirectional (whip-type) antennas may extend above the parapet wall by a distance equal to the height of the parapet wall.

(5) Antennas associated with a concealed wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.

(6) Electronic equipment associated with concealed wireless telecommunication facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or facade which is camouflaged to match or

complement the color and architectural treatment of the building. If placed on the ground on a concrete pad, except as provided in subsection 10.1-33.B(4) above, equipment enclosures shall be screened so as to make them unobtrusive.

(7) All cabling and wiring connecting antennas, equipment enclosures, and other components of concealed wireless telecommunication facilities shall be colored or concealed in a manner as to render them unobtrusive.

(8) Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

(9) Applicants for concealed wireless telecommunication facilities shall first be encouraged to consider properties owned by the Town or Guilford County, or instrumentalities thereof, before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for wireless telecommunication facilities and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities.

(10) A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

(11) As part of its application, each applicant for a concealed wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility within 180 days of the abandonment or cessation of operations of the facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town of Jamestown for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A $5,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other

security until such time as the facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

(12) Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days' written notice of its intent to do so to the permittee at its last known address.

(13) An annual wireless telecommunication facility permit shall be required for each wireless telecommunication facility located in the Town. Before an annual permit shall be issued or renewed an applicant or permittee must certify that:

a. It currently holds an FCC license to provide commercial wireless services and that such license is in good standing or, if the permittee is not an FCC licensee, that the license of each of its FCC tenants is in good standing.

b. The wireless telecommunication facility continues to be operated by the permittee and that it has a continuing need for the facility to meet the requirements of its FCC license.

c. That the facility continues to comply with all FCC and FAA rules and regulations.

d. That the permittee currently has general liability insurance of at least $1,000,000.00 in force covering the wireless telecommunication facility as evidenced by a certificate of insurance attached to its renewal application.

e. That it is in compliance with its maintenance/removal agreement and that any bond or other security given in conjunction therewith remains in full force and effect.

f. That it has not constructed, maintained, modified or operated any wireless telecommunication facilities in the Town without the Town approval or, if it has done so, that it has ceased operating and has removed all such facilities.

Failure to obtain or renew an annual wireless telecommunication facility permit shall result in the wireless telecommunication facility being deemed abandoned and subject to removal, as well as subjecting the facility's owner to all other penalty and enforcement provisions of this Ordinance. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days' advance written notice to the permittee at its last known address of the pending expirations of the permittee's

annual wireless telecommunication facility permits. Fees for annual wireless telecommunication facility permits shall be as established by the Town of Jamestown

.

10.1-34 Wireless Telecommunication Facility, Co-located.

A. Zoning districts: All zoning districts.

B. Development Standards

(1) Application fees for a co-located wireless telecommunication facility shall be as established by the Town of Jamestown.

(2) Wireless telecommunication facilities may be co-located on any structure which hosts one or more existing permitted and approved wireless telecommunication facilities provided, however, that the proposed co-located wireless facility must meet equipment enclosure and antenna size restrictions for the type of facility and zoning district in which the existing facility was approved (i.e., microcell and concealed wireless telecommunication facilities). The structure on which the wireless telecommunication facilities are to be located may be improved, rehabilitated, or altered structurally to accommodate the proposed co-location, provided that the height of a nonconforming structure is not increased and provided further that the proposed co-location complies with all other requirements of this chapter and other applicable laws and regulations.

(3) Where co-location is proposed by use of a combiner (allowing two or more commercial wireless service providers to share a common antenna or antenna array), an equipment enclosure which houses only the combiner and amplifiers may exceed the maximum permitted dimensions for other types of equipment enclosures up to a maximum of 70 cubic feet.

(4) Antennas associated with a co-located wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.

(5) Co-located wireless telecommunication facilities shall be designed to meet the following standards:

a. Use of dual-band/multi-band antennas (to allow sharing of antennas or antenna arrays by wireless providers using different frequency bands) or by using combiners (to allow antenna sharing by users of the same frequency band) is encouraged in order to minimize the height of support structures and the visual impact of multiple co-located antennas or antenna arrays.

b. Antennas associated with a co-located wireless telecommunication facility shall be mounted so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order

of descending preference:

1) Compact dual-polarized antennas in a cylindrical unicell arrangement extending less than two feet from the structure, and mounted atop the tower;

2) Panel antennas flush-mounted against the tower; and

3) Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.

c. No co-located wireless telecommunication facility located on a telecommunication tower shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket.

d. All equipment enclosures and other improvements accessory to a co-located wireless telecommunication facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure shall exceed 12 feet in height. Ground mounted equipment shall be screened from view with a row of evergreen trees and/or shrubs planted in a landscape strip with a minimum width of five feet, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

e. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

f. Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence may be topped with barbed wire. The Planning Director may require as a condition of approval that the fencing be screened by appropriate landscaping or other means, or may waive or modify the fencing requirement if he/she determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

g. Signage at any ground-based portion of a co-located wireless telecommunication facility site shall conform to the following provisions:

1) A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing.

2) Equipment hazard warning and informational signs are permitted.

3) The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.

(6) A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

(7) As part of its application, each applicant for a co-located wireless telecommunication facility shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the co-located facility within 180 days of the abandonment or cessation of operations of the co-located facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the town of Jamestown for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A $5,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement when a separate equipment shelter is constructed to house the equipment for the co-located wireless telecommunication facility. A $1,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement when the equipment for the co-located telecommunications facility is housed in an existing equipment shelter. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the co-located facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single

wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

(8) Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days' written notice of its intention to do so to the permittee at its last known address.

(9) The Town of Jamestown shall conform to G.S. 160A-400.50 to G.S. 160A-400.53 with respect to review of requests to collocate wireless telecommunication facilities and to minor modifications to those facilities as allowed by state law.The Town of Jamestown shall set a review fee equal to the amount of a "Development Clearance Certificate" for any collocation or minor modification plan review.

10.3 Conditional Uses

10.3-1 Purpose. Certain uses may wish to locate in the Town of Jamestown and its area of jurisdiction, which, due to their size and/or operation, have impacts that could adversely impact neighboring uses or the community as a whole. Due to the potential impacts of theses uses, they must meet certain conditions to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require conditions and establishes the conditions they must meet. A Conditional Use Permit must be granted these uses in accordance with the procedures set forth in Article 7.

10.3-2 Condition Uses Established. The following Conditional Uses and the conditions they must meet are hereby established.

10.3-3 Adult Uses.

A. Zoning District: IND

B. Conditions:

(1) No lot containing an adult use shall be located within a 1,200 foot radius of any lot containing another adult use.

(2) No lot containing an adult use shall be located within a 1,200 foot radius of any residential or mixed use zoning district.

(3) No lot containing an adult use shall be located within a 1,200 foot radius of any dwelling unit, church or place of worship, school, library, licensed child care center, public recreation center, or public park or playground.

(4) The required distance shall be measured from the closest edge

of the property occupied by an adult use to the closest edge of the property occupied by a protected use, zone, or by another adult use. Provided, however, that an adult use is located in a multi-tenant facility, the distance shall be measured from the closest edge of the portion of the facility occupied by such use.

(5) No more than one adult establishment may be located within the same structure or on the same lot.

(6) In the interest of public health and safety, mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.

(7) Except for permitted business identification signage, no printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the adult use.

10.3-4 Agricultural Facility.

A. Zoning District: SCO

B. Conditions:

(1) The facility will not be in conflict with the purpose and objectives of the Scenic Corridor Overlay District.

(2) The facility shall be located on a lot of no less than five (5) acres.

(3) Minimum 100 foot distance between manure storage areas, barns, or stables and any adjacent residentially zoned property.

(4) The facility shall not include any manufacturing or production operations, feed lots, or slaughtering or packaging operations.

(5) Buildings shall meet the following design standards:

a. Maximum footprint: 5,000 SF

b. Maximum height: 30 feet (excluding silos and related attachments)

c. Exterior building materials shall consist of wood siding, wood shingles, fiber cement siding, brick, rock, or other high quality masonry material. No vinyl or metal siding shall be permitted.

10.3-5 Amusement/Water Parks, Fairgrounds.

A. Zoning District: C, B, CIV

B. Conditions:

(1) Outdoor amusement facilities will be separated by a type C buffer from any abutting property located in a residential or mixed use district.

(2) No amusement facilities, such as miniature golf courses, water

slides, or mechanical rides shall be located within 200 feet of any abutting property located in a residential district.
(3) Hours of operation will be no earlier than 6:00 a.m. and no later than 12:00 midnight

10.3-6 Asphalt Plant.
A. Zoning District: IND

B. Conditions:
(1) The facility shall be located on a lot of no less than five (5) acres.
(2) Access shall be from a collector or higher classification street. No trucks traffic shall be permitted on surrounding residential streets.
(3) A minimum of a type A buffer shall be located around the perimeter of the property on which the asphalt plant is located.
(4) All operations other than parking shall be located a minimum of 1,000 feet from any residential or mixed use zoning district.

10.3-7 Equestrian Facility.
A. Zoning District: SCO, B

B. Conditions:
(1) The facility will not be in conflict with the purpose and objectives set forth in this ordinance for the zoning district in which the facility is located.
(2) The facility shall be located on a lot of no less than five (5) acres.
(3) Outdoor riding rings may be provided as part of the facility.
(4) Minimum 100 foot distance between manure storage areas, barns or stables and any adjacent residentially zoned property.
(5) Maximum number of horses is 2 per acre.
(6) Buildings shall meet the following design standards:
a. Maximum footprint: 5,000 SF
b. Maximum height: 30 feet (excluding silos and related attachments)
c. Exterior building materials shall consist of wood siding, wood shingles, fiber cement siding, brick, rock, or other high quality masonry material. No vinyl or metal siding shall be permitted.

10.3-8 Group Care Facility/Day Treatment Center
A. Zoning District: CIV

B. Conditions:
(1) No Such facility shall be located within one-half (1/2) mile of an existing group care facility/day treatment center.
(2) The facility shall be limited to no more than thirty (30) persons.

(3) Buildings shall be of a type permitted in the zoning district.

10.3-9 Junkyards, Salvage Yards, Auto Parts

A. Zoning District: IND

B. Conditions

(1) The minimum area required to establish a salvage yard shall be five (5) acres.

(2) A six foot tall opaque fence of uniform construction and a type __ buffer shall be placed around the perimeter of the use; plantings shall be on the exterior side of the fence.

(3) No salvage yard, scrap processor, or auto wrecking shall be located within three hundred (300) feet of any residence existing or under construction at the time of installation of such operation or business.

10.3-10 Manufactured Dwelling Park

A. Zoning District: SFR

B. Conditions

(1) A site plan for the Manufactured Dwelling Park shall be approved by the Planning Board.

(2) Minimum area: Five (5) acres.

(3) The minimum number of spaces shall be 15 and the maximum number of spaces shall be 200.

(4) Minimum setback: 50 feet from all public rights-of-ways and property lines.

(5) No more than one manufactured dwelling or recreational vehicle, towed or self propelled, shall be parked or set-up on any one space.

(6) Access standards:

a. No space shall have direct vehicular access to a public street;

b. All spaces shall directly abut a private street in the park;

c. Each space shall have adequate access, with a minimum access width of 20 feet.

(7) Recreational Areas and Facilities: Recreational areas and facilities to serve the needs of the anticipated population within the park shall be provided and shall consist of at least:

a. A play lot for preschool children containing a minimum size of 1,200 square feet within 500 feet of every space; and

b. One or more playgrounds for school-age children and adults, containing a minimum of one acre per 100 spaces;

Recreation areas shall not be in an area used for septic tank fields.

(8) There shall be no sales of manufactured dwelling and recreational vehicles in the park.

(9) Drainage and Grading:

a. The spaces shall be located on ground with an elevation that is not susceptible to flooding and which is graded to prevent any water from ponding or accumulating on or around the park. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the park

b. Each space shall be graded and grassed to prevent erosion and provide adequate storm drainage away from the manufactured dwelling or recreational vehicle pad.

c. The surface slope of the stand or pad shall not exceed 3%.

d. No banks, except along drainage ditches, shall have a slope steeper than three feet to one foot (3:1).

(10) Garbage and Refuse Disposal: All refuse shall be stored in conveniently located, leakproof containers with tight-fitting lids. Containers shall be provided in sufficient number and capacity for proper storage of all refuse. Racks or concrete platforms shall be provided on which to store containers for refuse. The containers, racks, and/or platforms shall be so designed as to prevent tipping, to minimize spillage and container deterioration, and to facilitate cleaning. Dumpsters shall be required in lieu of individual containers in areas where municipal water or sewer are available. All refuse shall be collected at least twice weekly, or more often if the need is indicated.

(11) Registration: It shall be the duty of the operator to keep an accurate register containing a record of all occupants. The register shall contain the following information:

a. Name, address and space number of each occupant;
b. The date the manufactured dwelling or recreational vehicle entered the park;
c. The license number of each recreational vehicle and/or car, truck, etc. with state of issuance, makes, and type of vehicle.

The operator shall keep the register available at all times for inspection by the Enforcement Officer, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

(12) Park Manager Residence: A single-family detached dwelling may be for the manager of the park.

(13) Pre-existing Dwellings: Pre-existing dwellings on the site may remain provided they occupy approved spaces.

(14)Design Requirements Applicable to Manufactured Dwelling Parks: The following design requirements apply to Manufactured Dwelling Parks:

a. Minimum Manufactured Dwelling Space Size: A manufactured dwelling space shall consist of a minimum of 6,000 square feet and shall have a width of at least 45 feet at the location of the manufactured dwelling stand. Exception: A manufactured dwelling space not served by public sewer shall consist of a minimum of 40,000 square feet and shall have a width of least 150 feet at the location of the manufactured dwelling stand. Every manufactured dwelling space shall be clearly established on the ground by permanent monuments or markers.

b. Each Manufactured dwelling space shall contain:

(1) a manufactured dwelling stand consisting of a properly graded and compacted surface no less than 13 feet by 60 feet;

(2) a patio space constructed of concrete, brick, flagstone or other hard surface material a minimum of 240 square feet in area;

(3) a hard surface walkway a minimum of two feet wide leading from the patio to the parking space or road.

c. Manufactured Dwelling Additions: Prefabricated structures specifically designed by the manufacturer for manufactured dwelling extensions and any other addition meeting the NC Building Code may be added to any manufactured dwelling provided that setback within the space can be met and a building permit is obtained.

d. Construction and Design of Private Streets:

(1) Private entrance, collector, and interior streets with no parking or minor cul-de-sac streets with no parking shall meet the minimum design standards for private streets as set forth in the Town of Jamestown Standards and Specifications Manual.;

(2) One-way minor streets with no parking (acceptable only if less than 500 feet total length and serving less than 15 manufactured dwelling stands) shall have a 20 foot minimum right-of-way with 12 foot minimum paved surface;

(3) Private streets shall be lighted at night with cut-off fixtures meeting the standards of the Town for street lights.

e. Park Access: If a manufactured dwelling park has more than one (1) direct access to a public street, such access points shall be no less than 200 feet apart and no closer than 300 feet to a public street intersection

f. Parking:

(1) Two parking spaces, a minimum of 9 feet by 18 feet, shall be provided within each manufactured dwelling space;

(2) All parking spaces shall be paved or covered with four

inches (4”) of crushed stone;

(3) No parking shall be allowed on private entrance and collector streets.

g. Landscaping: Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.

h. Removal of Rubbish: All cut or fallen trees, stumps, or rubbish shall be or removed from the manufactured dwelling park.

i. Utilities Installation: Each manufactured dwelling located within a park shall comply with the current North Carolina Regulations for manufactured dwelling in both manufacture and installation and must be inspected to assure compliance prior to occupancy.

(1) All utilities shall be installed underground except where extreme conditions of topography make this requirement unreasonable.

(2) Placement of utilities serving the manufactured dwelling stand shall comply with the NC Building Code for Plumbing.

(3) Minimum electrical service of 200 ampere, 120-240 volt single phase shall be provided to each manufactured dwelling stand. The service panel and location as well as all wiring shall be in accordance with the National Electrical Code.

(4) Each manufactured dwelling shall be required to connect to the utilities provided at each manufactured dwelling space.

(5) Each manufactured dwelling park shall obtain water from a public water supply when available, and when unavailable, from a source approved by the Guilford County Health Department. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual manufactured dwelling shall be obtained only from faucets or other plumbing connections located within each manufactured dwelling.

(6) Each manufactured dwelling park shall be provided with an adequate sewage disposal system, either by connection to a public sewer or a septic tank constructed in compliance with the regulations of the Guilford County Board of Health. All sewage wastes from toilets, showers, bathtubs, lavatories, wash basins, refrigerator drains, sinks, faucets, and water-using appliances not herein mentioned shall be piped into the manufactured dwelling park sewage disposal system.

j. Fuel Oil Drum: Each manufactured dwelling that requires the use of fuel oil shall be furnished with an oil drum having a minimum

capacity of one hundred fifty (150) gallons, set upon a painted, prefabricated metal stand.

k. Manufactured Dwelling Design Standards: Each manufactured dwelling shall have a roof pitch of at least 5 feet of rise for each 12 feet of horizontal run and a minimum width of 12 feet.

10.3-11 Petroleum and Petroleum Products Storage.

A. Zoning District: IND

B. Conditions:

(1) Minimum lot area shall be five (5) acres

(2) Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Town of Jamestown.

(3). The use shall be buffered from adjacent properties and public streets with a type B buffer.

10.3-12 Sewer Treatment Plant

A. Zoning District: IND

B. Conditions:

(1) Minimum site area shall be ten (10) acres.

(2) All buildings, lagoons, outdoor treatment areas, and other facilities shall be located at least 1,000 feet from residential and mixed use zoned property.

(3) Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Town of Jamestown.

(4) Use shall be managed and operated by a municipality, county, or other governmental entity.

10.3-13 Shooting Range, Outdoor.

A. Zoning District: B

B. Conditions:

(1) Minimum separation between the shooting range and closest exterior property line shall three hundred (300) feet.

(2) Access shall be controlled to prevent unregulated entrance to firing area.

(3) Security fencing shall be provided to prevent an individual from crossing the property downrange.

(4) Dikes or berms shall be provided and shall be of sufficient height and thickness to stop all rounds fired downrange. Elevation control is required along the shooting stands to prevent rounds from being fired over the dike or berm.

10.3-14 Telecommunications Towers.

A. Zoning Districts: MSP, CIV, C, B, IND

B. Conditions:

(1) The applicant for a conditional use permit for a telecommunication tower shall bear the burden of demonstrating by substantial evidence in a written record that a bona fide need exists for the proposed telecommunication tower and that no reasonable combination of locations, techniques or technologies will obviate the need for, or mitigate the height or visual impact of, the proposed telecommunication tower.

(2) Application fees for a conditional use for a telecommunication tower shall be as established by the Town of Jamestown.

(3) The Town may elect to retain outside consultants or professional services to review a conditional use application for a telecommunication tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant's due diligence, analysis of alternatives, conditions of approval, and compliance with state and federal rules and regulations at the applicant's expense. An application shall not be deemed complete until the applicant has posted a $5,000.00 cash bond, or other security satisfactory to the Town, guaranteeing payment of such expenses. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

(4) In addition to the notice requirements found elsewhere in this Ordinance, the applicant for a conditional use permit for a telecommunication tower shall be required to notify by regular mail all property owners within a one-quarter mile (1,320 feet) radius of the proposed location of any public hearing on the application at least ten days prior to the hearing. The Planning Director may require the applicant to conduct a crane or balloon test to simulate the height of the proposed tower. Notice of the dates and times of such tests shall be mailed by the applicant to all property owners within a one-quarter mile (1,320 feet) radius of the proposed location at least ten days prior to the primary test date. The notice shall state primary and alternate test dates, as well as a range of dates for testing in the event of extended periods of inclement weather. The Planning Director shall review and approve the sufficiency of the notice prior to mailing and, as part of its application, the applicant will be required to submit a certificate of mailing and attach a copy of the notice and a list of the addresses to which it was sent. In the event the applicant shall seek to increase the height of a proposed tower, or move its location more than 50 feet laterally, from that stated in the original

notices, additional notice shall be required to be given in accordance with the above provisions and all time periods shall run from the date of supplemental notification.

(5) Applicants for telecommunication towers shall first be encouraged to consider properties owned by the Town or Guilford County, or instrumentalities thereof, before considering private properties. Public properties shall be subject to the same restrictions and standards of appropriateness as private properties. All such public agencies or instrumentalities shall retain discretion as to whether to make a specific property available for wireless telecommunication facilities and to make determinations with respect to site capacity, aesthetics, or suitability of such facilities.

(6) Telecommunication towers proposed on properties under the ownership or control of the North Carolina Department of Transportation shall simulate typical highway lighting towers in height and appearance and shall be clustered amongst or near such towers so as to be unobtrusive. If due to topography, existing vegetative canopy, or other local conditions, the Town Council determines that a tower disguised as a coniferous tree is a preferable aesthetic alternative to a simulated lighting tower, it may require such camouflage treatment as a condition of approval. If any portion of a telecommunication tower located on such properties is used to mount cameras, instruments, sensors or antennas for governmental use, and the same structure supports or incorporates commercial wireless telecommunication facilities, the governmental use shall be deemed incidental or accessory to the commercial use and the entire facility shall be treated as a commercial use for purposes of this section.

(7) It is the policy of the Town to encourage co-location and the use of existing structures where appropriate. In furtherance of that policy objective, the following provisions shall apply to an application for a conditional use permit for a telecommunication tower:

a. A conditional use for a telecommunication tower shall not be approved unless the tower is designed structurally, electrically, mechanically and in all respects to accommodate at least one additional user. An application shall not be deemed complete until the applicant submits:

1. A letter of intent agreeing to make all of its wireless telecommunication facilities (including existing facilities) within the Town available to providers of functionally equivalent services at commercially reasonable rates.

2. A copy of an executed lease for the proposed tower site that allows co-location or leasing or subleasing to other providers of functionally

equivalent services.

b. Applicants are encouraged to meet co-location requirements by using dual-band/multi-band antennas to allow sharing of antennas or antenna arrays by wireless providers using different frequency bands or by using combiners to allow antenna sharing by users of the same frequency band.

c. A conditional use application for a telecommunication tower shall not be approved if an electric transmission tower is located above, or no less than 25 feet below, the ground elevation of and within the search radius of a proposed telecommunication tower, unless the applicant can demonstrate one or more of the following:

1. That sufficient easements or other interests in real property cannot be obtained to accommodate the wireless telecommunication facility;
2. That the electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;
3. That the applicant is unable to gain sufficient ingress and egress to the electric transmission tower;
4. That the existing use of the electric transmission tower would interfere with the operations of the applicant as documented by a qualified and licensed North Carolina engineer and the interference cannot be prevented;
5. That the planned equipment would exceed the structural capacity of the electric transmission tower as documented by a qualified and licensed North Carolina professional engineer, and the electric transmission tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.

Electric transmission towers may be increased in height to that allowed for telecommunication towers in the district in which the electric transmission tower is located if the Town Council determines such height extension is preferable to placement of a new telecommunication tower in that area.

d. A conditional use application for a telecommunication tower shall not be approved unless the equipment planned for the proposed tower cannot be accommodated on existing or approved towers, buildings or alternative structures more than 30 feet in height (after first considering electric transmission towers) within a one-quarter mile (1,320 foot) radius of the proposed

telecommunication tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed North Carolina professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.

2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment on the towers, buildings or alternative structures, as documented by a qualified and licensed North Carolina engineer, and the interference cannot be prevented at a reasonable cost.

3. Existing or approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed North Carolina professional engineer.

4. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon existing or approved towers, buildings or alternative structures.

e. Antennas associated with a wireless telecommunication facility may not be co-located on a tower or other support structure used by an amateur radio operator.

f. No wireless telecommunication facility shall interfere with usual and customary radio and television reception excepting broadcast facilities as provided for in the regulations of the FCC.

8. All telecommunication towers must comply with FCC and FAA regulations.

9. A copy of the applicant's FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the wireless telecommunication facility and must submit a copy of each such wireless service provider's FCC license. If FCC licenses have previously been filed with the Town in conjunction with other wireless telecommunication facilities, the applicant may certify that such licenses remain in full force and effect.

10. As part of its application, each applicant for a telecommunication tower shall be required to execute a standard maintenance/removal agreement binding the applicant and its successors and assigns to maintain properly the exterior appearance of and ultimately remove the facility within 180 days of the abandonment or cessation of operations of the facility. Such agreement shall require the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the Town of Jamestown for all costs it incurs to perform any work required of the applicant by the agreement that it fails to perform. A $5,000.00 cash bond, or other security acceptable to the Town, shall be required in conjunction with the maintenance/removal agreement. The applicant and its successors and assigns shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the maintenance/removal agreement have been satisfied. Private business users operating a single wireless telecommunication facility at their principal place of business and governmental users are exempt from the bond requirement.

11. Abandoned or unused wireless telecommunication facilities shall be removed within 180 days of abandonment or cessation of operations. If not removed within that period, such facilities may be removed as provided in the permittee's maintenance/removal agreement and the costs of removal recovered from the permittee's bond or other security. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town shall give 30 days written notice of its intention to do so to the permittee at its last known address.

12. All telecommunication towers shall comply with FAA lighting requirements. In addition, in a specific instance, the Town may impose lighting requirements for a tower that is not required by FAA regulations to be lit.

13. Except as otherwise provided herein, minimum setbacks for telecommunication towers shall be in accordance with the setback requirements set forth in the development standards for the district in which the location of the tower is proposed. In addition, telecommunication towers must be set back from any residentially zoned or residentially used properties a distance equivalent to one-half the height of the tower being erected. The Town Council may reduce the setback requirement upon a showing by the applicant that there are special physical circumstances or conditions affecting the proposed site such that the strict application of the setback requirement would not allow the most effective use of the proposed site to minimize the visual impact of the wireless telecommunication facility.

14. Telecommunication towers shall be buffered from adjacent

properties with a buffer which, at a minimum, meets the requirements of a Type B buffer as described in Article 11 of this ordinance, regardless of adjacent zoning district classifications or uses.

15. No telecommunication tower shall be located:

a. On top of buildings; or

b. In a locally or nationally designated historic area or property or on a nationally or locally designated historic structure or building. Nor shall a telecommunications tower be located such that it adversely impacts the historic integrity of a locally or nationally designated historic area, property, or structure.

16. In cases where an applicant is required to perform an environmental assessment (EA) or an environmental impact statement (EIS) under the National Environmental Policy Act or the National Historic Preservation Act, such EA or EIS shall be submitted as part of its application for a conditional use permit. An application for a conditional use permit will not be deemed complete until any required EA or EIS has been submitted to the Town.

17. Telecommunication towers shall not be constructed unless the company erecting the tower has general liability coverage of at least $1,000,000.00. The owner of a telecommunication tower shall provide the Town with a certificate of insurance showing evidence of its coverage and the certificate shall contain a requirement that the insurance company notify the Town 30 days prior to the cancellation, modification or failure to renew the insurance coverage required.

18. Telecommunication towers shall be designed to meet the following standards:

a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment. The Town Council may condition approval on the use of specific concealment techniques where it determines that doing so is necessary or desirable.

b. Guyed towers are prohibited. Commercial wireless telecommunication towers shall be of a monopole design unless the Town Council determines that an alternative design would better blend in to the surrounding environment.

c. Use of dual-polarized antennas which electronically combine the functions of transmit and receive antennas (rather than spatial diversity antenna arrays which rely on antennas being physically separated), dual-band/multi-band antennas (allowing two or more providers of different types

of commercial wireless services to share a common antenna), and use of combiners (allowing antenna sharing by providers using the same frequency band) are encouraged.

d. Antennas shall be mounted on telecommunication towers so as to present the smallest possible silhouette, profile, or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:

1. Compact dual-polarized antennas in a cylindrical unicell arrangement extending no more than two feet from the sides of the supporting structure and mounted atop the tower;
2. Panel antennas flush-mounted against the tower;
3. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.

e. No telecommunication tower shall have constructed thereon, or attached thereto in any way, any platform, catwalk, crow's nest, triangular framework, or like structures or equipment, except during periods of construction or repair. Curved or straight davit arms or brackets used for antenna mounting shall be connected to the tower at the base of the arms or brackets only and such arms or brackets (and any antennas or hardware mounted thereon) shall not be physically interconnected with any similar arm or bracket.

f. All equipment enclosures and other improvements accessory to a tower shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed 12 feet in height. Ground mounted equipment shall be screened from view with a minimum "B" buffer as described in subsection 7-11-2(d)(15) of this chapter, except where a design of nonvegetative screening better reflects and complements the architectural character of the surrounding neighborhood.

19. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m.

20. Telecommunication towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight feet in height. The fence shall not be topped with barbed wire. The Town Council may require as a condition of approval that the fencing be screened by appropriate

landscaping or other means. The Town Council may waive or modify the fencing requirement if it determines that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

21. Telecommunication towers shall have a flat gray or galvanized finish unless the Town Council determines another color scheme would be a preferable aesthetic alternative.

22. No two telecommunication towers shall be constructed within 1,320 feet of each other unless documentation is provided to the Planning Director to show that co-location on towers within the 1,320 feet is not technically feasible.

23. No telecommunication tower shall be permitted which exceeds 100 feet in height.

24. Signage at any telecommunication tower site shall conform to the following provisions:

a. A sign listing the name of the wireless telecommunication service provider operating the site, the site name or number and an emergency telephone number shall be posted at or near the entrance to the site so as to be readily visible to persons outside the site's security fencing.

b. Equipment hazard warning and informational signs are permitted.

c. The posting of any other signs or advertising is prohibited at any wireless telecommunication facility or upon any telecommunication tower.

25. The Town council may require any other conditions deemed necessary or desirable to ameliorate the impact of the tower on the adjacent properties and uses. Such conditions shall include, but are not limited to: the height of the tower; the construction or type of tower; lighting; and co-location of the antennas and facilities of different parties on a single tower.

26. An annual wireless telecommunication facility permit shall be required for each wireless telecommunication facility located in the Town. Before a permit shall be issued or renewed an applicant or permittee must certify that:

a. It currently holds an FCC license to provide commercial wireless services and that such license is in good standing or, if the permittee is not an FCC licensee, that the license of each of its FCC tenants is in good standing.

b. The wireless telecommunication facility continues to be operated by the permittee and that it has a continuing need for the facility to meet the requirements of its FCC license.

c. That the facility continues to comply with all FCC and FAA rules and regulations and all conditions of its conditional use permit.

d. That the permittee currently has general liability

insurance of at least $1,000,000.00 in force covering the wireless telecommunication facility as evidenced by a certificate of insurance attached to its renewal application.

e. That it is in compliance with its maintenance/removal agreement and that any bond or other security given in conjunction therewith remains in full force and effect.

f. That it has not constructed, maintained, modified, or operated any wireless telecommunication facilities in the Town without the Town's approval or, if it has done so, that it has ceased operating and has removed all such facilities.

Failure to obtain or renew an annual wireless telecommunication facility permit shall result in the wireless telecommunication facility being deemed abandoned and subject to removal, as well as subjecting the facility's owner to all other penalty and enforcement provisions of this Code. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town of Jamestown shall give 30 days' advance written notice to the permittee at its last known address of the pending expiration of the permittee's annual wireless telecommunication facility permit. Fees for annual wireless telecommunication facility permits shall be as established by the Town of Jamestown.

27. Conditional use permits for telecommunication towers shall be valid for an initial period of five years. Upon application by the permittee within 60 days prior to the expiration of the initial permit period, a review shall be conducted to determine whether and under what conditions the conditional use may be extended for successive five-year periods. Costs associated with the review process shall be borne by the permittee. Fees for five-year permit renewal shall be as established by the Town of Jamestown. Grounds for nonrenewal or revocation include:

a. The use involved is no longer allowed as a conditional use in the zoning district or fails to comply with the relevant requirements of this ordinance as adopted on July 21, 2009 and land use regulations in effect at the time of renewal and the permittee has failed to supply reasonable assurances that the facility will be brought into compliance within 180 days of the initial permit's expiration;

b. The permittee has failed to comply with the conditions of any conditional use approval;

c. The facility has not been properly maintained;

d. The facility has not been upgraded to minimize its impact, including community aesthetics, to the greatest extent permitted by the technology exists at the time of renewal; or

e. The permittee has failed to operate the facility for a continuous period of 180 days or more.

If a conditional use is not renewed prior to its expiration, it shall automatically become null and void without notice and hearing five years after it is issued or upon cessation of use for more than 180 days, whichever comes first. Within 180 days after expiration or revocation of a conditional use approval for a telecommunication tower, or the abandonment or cessation of operation of the wireless facility, the tower and facility shall be removed from the property. Prior to removing a wireless telecommunication facility pursuant to this provision, the Town of Jamestown shall give 30 days' written notice of its intent to do so to the permittee at its last known address.

28. A conditional use approval for a telecommunication tower shall become null and void if the facility is not constructed and placed in service within one year of the date of approval provided, however, that the conditional use approval may be extended one time for six months if substantial construction has commenced before the end of the initial year.

ARTICLE 11
LANDSCAPE REQUIREMENTS AND TREE PROTECTION

11.1. Purpose

The regulations set forth in this article are intended to reduce tree canopy loss and implement urban forest management improvements through requirements for tree protection, tree preservation, the planting of trees and the maintenance of existing and newly planted trees within the Town of Jamestown. Additionally, this article will establish minimum standards for the design of landscapes so as to improve the community aesthetically, economically, and environmentally. The requirements are intended to enhance the quality of life through sustainable urban forest practices and increase the benefits trees provide, including, but not limited to the following:

- Absorption of carbon dioxide and returning oxygen
- Reduction of soil erosion and increase in rainwater infiltration
- Provision of shade for cooling
- Screening of noise, dust, glare, and visual intrusions
- Reduction of storm-water runoff
- Maintenance and improvement of Town appearance and aesthetics
- Provision of habitat for wildlife
- Preservation, protection and enhancement of the natural environment

11.2. Administration

The following personnel have responsibility for administering and enforcing the provisions of this section:

- The Planning Director shall have responsibility for overseeing the administration of this article.
- The Public Services Director shall have responsibility and control over all trees and shrubbery planted or growing upon Town property.
- The Planning Director shall have the authority to enforce the standards of this Article in the event of compliance failure. The Planning Director shall also have responsibility and control over all regulated, unsafe, and diseased trees located on public and private property.

11.3 Applicability

The provisions of this article shall apply to the following:

11.3-1. All new major subdivisions with four (4) or more lots, all new non-residential developments, and all new multi-family developments with four (4) or more units except for those projects listed under Exemptions below.

11.3-2. Changes in use, expansions, and new buildings for already existing residential, non-residential, or mixed-use developments as per the following:

(A) Changes in use to a higher intensity, such as a change from

residential to commercial. The requirements shall be applicable to the entire lot;

(B) All non-residential expansions of buildings, except the first three thousand (3,000) square feet of expansions. The requirements of this article shall be applicable only to the expansion area;

(C) Expansions exceeding 50 percent of the pre-expansion floor area must bring the entire site into compliance;

(D) Renovations with a total cost exceeding 50 percent of the appraised value of the building as established by the Guildford County Tax Office. The value of any expansions or reconstruction of such structures over a three-year period shall be considered in calculating the 50 percent threshold.

11.3-3. Vehicular use areas shall be subject to the landscape requirements as outlined under the Parking Lot Landscape Requirements as follows:

(A) Any new parking lot with six (6) or more spaces;

(B) Expanded portions of existing parking lots which are less than 50 per cent of the total vehicular use areas shall landscape the area included in and around the expansion;

(C) Expansions exceeding 50 percent of the paved area must bring the entire vehicular use area into compliance with the Parking Lot Landscape Requirements;

(D) Existing unpaved parking lots which are paved or existing paved lots which are demolished and repaved must bring the entire vehicular use area into compliance with the Parking Lot Landscape Requirements.

11.3-4. Any land disturbing activities or tree removal shall require a Tree Disturbance Permit as per section 11.10 of this Article.

11.4. Exemptions:

The provisions of this article shall not apply to the uses and activities listed below. Any applicable requirements of Article 19 (Watershed) relating to the Water Supply Watershed or Soil Erosion and Sedimentation Control still apply:

11.4-1. Properties within and surrounding the Main Street (MS) District shall be exempt from the buffer and tree conservation area requirements but are still required to meet the street trees and parking lot landscaping requirements;

11.4-2 Property lines abutting utility easements in excess of sixty (60) feet in width and all railroad rights-of-way;

11.4-3 Property lines abutting dedicated street rights-of-way, which have remained unopened for a period of at least fifteen (15) years;

11.4-4 Tree removal on an area of three thousand (3,000) square feet or less, after the Planning Director has determined that such a removal is not associated with a forthcoming development proposal and will not be inconsistent with any plan previously approved by the Town or the County, however, watershed and/or soil erosion requirements may still apply;

11.4-5 Property covered by an active forestry management plan prepared by a North Carolina Registered Forester, provided that documentation has been furnished to the Planning Director.

11.4-6 Property zoned PNR, owned and utilized by the Town of Jamestown in order to provide the public with parks, recreation and open space facilities.

11.5. Landscape Plan Procedures

11.5-1. Landscape Plan Approval Required. An applicant must receive approval of a landscape plan from the Planning Director prior to grading or before other site work may begin.

11.5-2. Installation of Plant Materials Required. Installation of plant material shall occur prior to the issuance of a Certificate of Compliance (or Occupancy).

11.5-3. Financial Guarantee in Lieu of Installation of Plant Materials.

(A) If at the time of a request for a Certificate of Compliance, the required planting areas are not complete the developer may provide a performance bond or an irrevocable letter of credit guaranteeing the installation of the plant materials if the following conditions are met:

1. Plant materials are unavailable,
2. Completion of the planting areas would jeopardize the health of the plant materials, or
3. Weather conditions prohibit completion of the planting areas,

(B) The performance bond or irrevocable letter of credit shall be in an amount equal to 150 percent of the estimated cost of the installation of the required plant materials, as determined by the Town. The performance bond or the irrevocable letter of credit shall secure the installation of the plant materials as shown on the approved landscape plan. The letter of credit or bond shall remain in full force and effect until such time as the installation of plant materials is completed and accepted by the Town of Jamestown. Failure to maintain the required bond or irrevocable letter of credit shall result in the revocation of the approval of the site development plan and any permits issued as a result of the plan approval. The bond or irrevocable letter of credit shall be automatically renewed unless all parties agree not to renew it at least sixty (60) days prior to its scheduled expiration date.

A temporary construction easement permitting the Town of Jamestown or its designee(s) to access the property for the purpose of installing the guaranteed plant materials shall be provided with the performance bond or irrevocable letter of credit. The temporary construction easement shall be valid until all guaranteed plant materials have installed and approved by the Town. The temporary construction easement shall pass to all successive owners until the guaranteed plant materials have been installed and

approved by the Town.

(C) Failure to initiate installation of the plant materials within one year of the date the bond or letter of credit was accepted by the Town of Jamestown shall result in the Town installing the plant materials, with the cost to be paid from the letter of credit or bond. The surety shall, if requested by the Town, pay all or any portion of the bond or letter of credit to the Town up to the amount needed to complete the installation of the plant materials based on an estimate by the Town. The Town at its discretion may spend such portion of said funds as deemed necessary to complete all or any portion of the required plant installation. The Town shall return to the developer any funds not spent in completing the plant installation. Default on a project does not release the developer from responsibility for the completion of the plant installation. The Town may release a portion or all of any surety posted as the plant installation is completed and approved by the Town. In the event that the amount of the letter of credit or bond on hand is insufficient to pay for the completion of the plant installation, the property owner shall pay to the Town of Jamestown the total amount of the insufficiency. If the Town is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the Town.

(D) A bond or letter of credit may also be provided to ensure the completion of parking lots and ancillary buildings if the above requirements are met.

11.6 Landscape Requirements.

11.6-1. Categories. The landscaping standards are categorized in the following sections:

(A) Property Line Buffer Yards: landscaping between dissimilar zoning districts.

(B) Screening: Plantings around dumpsters, outbuildings, and storage areas.

(C) Street Trees: Shade trees planted along streets to provide shade and improve the urban environment.

(D) Parking Lots: Landscaping in and around vehicular use areas.

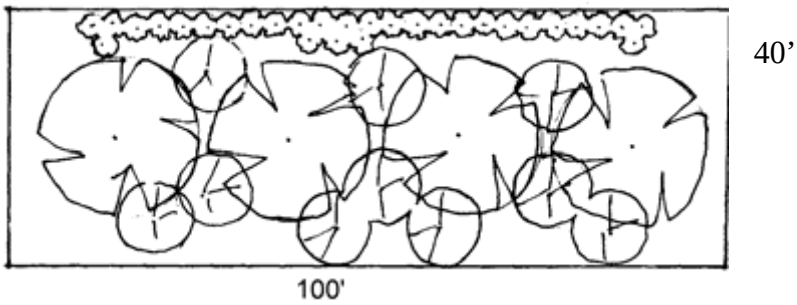
(E) Reforestation: Plantings on slopes greater (steeper) than 3:1.

(F) Tree Conservation Areas: Required to preserve mature existing trees.

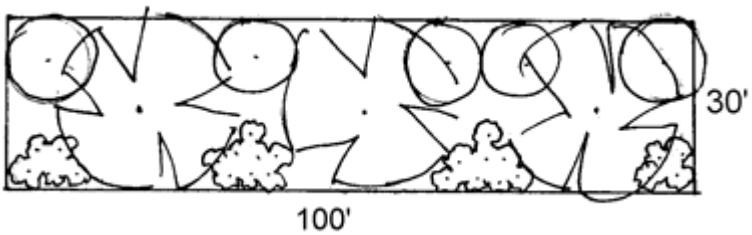
11.6-2. Property Line Buffer.

(A) Buffer Types. The following buffer yards are required between dissimilar zoning districts.

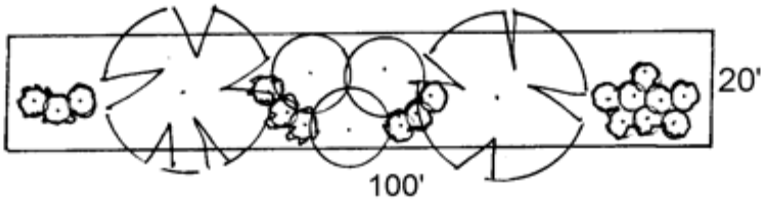
Type A Buffer Yard: A high-density screen intended to substantially block visual contact between adjacent uses and create a spatial separation.



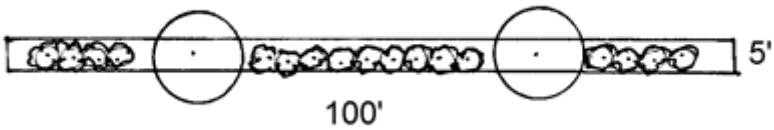
Type B Buffer Yard: A medium-density screen intended to partially block visual contact between uses and create spatial separation



Type C Buffer Yard: A low-density screen intended to partially block visual contact between uses and create spatial separation



Type D Buffer Yard: A peripheral planting strip intended to separate uses, provide vegetation in densely developed areas, and to enhance the appearance of individual properties.



(B) Buffer Yard Requirements. Buffer yards shall be required to separate development in certain zoning districts from adjacent districts and to separate parking areas from adjacent uses. The following buffers shall be provided when development in the identified development zoning districts abuts the identified adjacent zoning districts. Buffering is required in accordance with section 11.3 above. To determine the required buffer for a new development, identify the development zone, the zoning district in which the development is located, on the chart. Then identify the adjacent zone, the zoning district abutting the development, on the chart below. Buffer yards, as identified on the chart below, are required on the sides of the property abutting the identified adjacent zone.

Table 11.1

BUFFER YARD CHART		
DEVELOPMENT ZONE	ADJACENT ZONE	BUFFER YARD REQUIRED
IND	All	Type A
C, BD	AG,SFR, SCO, CDO	Type A
CIV	AG, SFR, SCO, CDO	Type A
C,BD	R/MST	Type B
C/MST	AG, SFR, SCO, CDO	Type C
MSP	AG, SFR, SCO, CDO	Type C
CIV	R/MST	Type C
ALL OVERLAY DIST.	SFR	Type B

In addition to the above buffer yard requirements, all parking lots shall be buffered from adjacent uses. The following buffer requirements shall apply to parking lots with six (6) or more spaces:

1. A minimum of a type D buffer shall be provided for all parking lots with six (6) or more spaces.
2. A type C buffer shall be provided along any edge of a parking lot with a minimum of six (6) spaces and occupying less than ½ acre that abuts an AG, SFR, SCO, or R/MST zoning district.
3. A type C buffer shall be provided along all edges of any parking lot with a minimum of six (6) spaces and occupying less than ½ acre that is located within an AG, SFR, SCO, or R/MST zoning district.

4. A type D buffer shall be provided along any edge of a parking lot with a minimum of six (6) spaces and occupying ½ acre or more that abuts an AG, SFR, SCO, or R/MST zoning district.
5. A type D buffer shall be provided along all edges of any parking lot with a minimum of six (6) spaces and occupying ½ acre or more that is located within an AG, SFR, SCO, or R/MST zoning district.

Plantings shall be provided in the buffer yards as indicated in the following table.

Table 11.2

PLANTING YARD AND PARKING LOT RATE CHART PLANTING RATES						
Type	Average Width (ft.)	Minimum/Maximum Width (ft.)	Evergreen Tree Rate	Canopy Tree Rate	Understory Tree Rate	Shrubs Rate
Type A Yard	40	35/65	8	4/100 lf 25 feet on center	10/100 lf 10 feet on center	33/100 lf 3 feet on center
Type B Yard	30	25/50	6	3/100 lf	5/100 lf	25/100 lf
Type C Yard	20	15 /40	4	2/100 lf	3/100 lf	17/100 lf
Type D Yard	5	5/10	0		2/100 lf	18/100 lf

(C) Buffer Yard Standards.

1. The minimum buffer width for all buffer yards except the Type D yard may be reduced by 50% with the use of an opaque wall or fence constructed of masonry, stone or pressure treated lumber providing such reductions do not disturb the CRZ of existing trees. . The wall or fence should be a minimum of five (5) feet in height. The wall or fence shall be set back from the property line a minimum of five (5) feet and shall be planted with half the required plantings, including all types of shrubs and trees required, on the outside of the wall or fence (facing the adjacent property).
2. Understory trees shall be substituted for canopy trees at the rate of two (2) understory trees for every canopy tree to be planted within fifteen (15) feet of an overhead utility line.

3. Canopy trees may be substituted for shrubs at the rate of one (1) canopy tree for eight (8) shrubs and understory trees may be substituted for shrubs at the rate of one (1) understory tree for five (5) shrubs if approved by the Planning Director.

(D) Location of Buffer Yard. Required trees and shrubs shall not be installed in street rights-of-way. Required trees and shrubs may be placed in water quality conservation easements, electric utility easements below overhead lines, and in drainage maintenance and utility easements upon approval by the Technical Review Committee

(E) Setback Less Than Buffer Yard. If the required building setback is less than the required buffer yard width, the building setback shall reduce the required planting yard width only alongside the building. The planting rate of the required planting yard shall still apply.

(F) Encroachments Permitted in Required Planting Yards. The following are permitted in required planting yards provided the landscaping requirements are met and there is no interference with any sight area:

1. Landscaping features, including but not limited to, fences, retaining walls, ornamental pools, planting boxes, sculpture, arbors, trellises, steps, birdbaths, pet shelters, play equipment, outdoor furniture, ornamental entry columns and gates, flagpoles, lampposts, address posts, HVAC equipment, mailboxes, outdoor fireplaces, public utility wires and poles, pumps, wells, or similar structures
2. Cornices, steps, canopies, overhanging eaves and gutters, windowsills, bay windows or similar architectural features, at-grade patios, chimneys and fireplaces, fire escapes, fire balconies, and fire towers may project not more than two and one-half (2 1/2) feet into any required planting yard, but in no case shall be closer than three (3) feet to any property line or handicap ramps except for porches and landings

(G) Obstructions. Landscaping shall not be placed in the sight visibility triangle which would obstruct the view of motorists using any street, driveway, or parking aisle. Plantings must also be placed so as not to interfere with site lighting or other utilities.

(H) Species. Landscape buffer plantings must be comprised of a

minimum of 50% native species. (i.e.- native to the Piedmont areas of NC).

(I) Soil Amendments. All soils in designated planting areas must be amended to a depth of 24" with a minimum of 50% organic matter (i.e. - compost, NOT wood chips).

11.6-3 Screening of Dumpsters, Outdoor Storage, and Utility Structures. All dumpsters, loading docks, outdoor storage areas over 25 square feet, and utility structures must be screened if they are visible to adjacent public or private streets or any adjacent properties. Screening of a dumpster shall not be required in the Industrial District, unless the dumpster is located within one hundred (100) feet of an existing non-industrial land use. Screening options include:

(A) A single opaque material wall or fence with a minimum height of 6 feet.

(B) A combination of opaque materials, berming, and/or evergreen landscaping spaced at 8 feet on center that provides the required screening effect. The combination of opaque materials, berming, and/or evergreen landscaping shall have a minimum height of 6 feet within three (3) years of planting.

(C) The wall(s) of a principal or accessory structure may also count for screening.

Chain-link fencing with woven slats of opaque material is ***not*** acceptable.

11.6-4. Street Trees. Street trees are required along all street frontages for all new developments with the exception of single and two family homes. Trees are required at the following rate:

(A) One large maturing tree required for every 40 linear feet of street frontage. If overhead utilities are present, planting of one small maturing tree for every 30 linear feet of property abutting a street is required.

(B) Where the street abuts a parking lot over 3000 square feet and located within 50 feet of the edge of the pavement, shrubs shall be planted at the rate of one deciduous or evergreen shrub for every 5 linear feet of vehicular use area abutting the street in addition to the required street trees. The shrubs must achieve a minimum height of three feet at maturity.

(C) Street trees may be evenly spaced or spaced to accommodate existing site features. Street trees shall be a minimum of fifteen (15) feet apart and a maximum of sixty five (65) feet apart. No street tree shall be located more than twenty five (25) feet from the edge of pavement.

(D) Street trees shall be planted in an eight (8) foot planting strip on private property, but may be planted in the City right-of-way with approval by the Town Manager. The planting width can be reduced to five (5) feet where necessary to accommodate site features but should maintain an average of eight (8) feet. In urban districts, the trees may be placed in tree pits with grates that are a minimum of sixteen (16) square feet.

(E) Existing Trees: See Section 11.9 for information regarding credits for preservation of existing trees.

(F) No more than fifteen (15) percent of the street-planting yard may be used for walkways or signs. Parking, merchandise display, and off-street loading are prohibited in the street-planting yard.

11.6-5. Parking Lot Planting Areas.

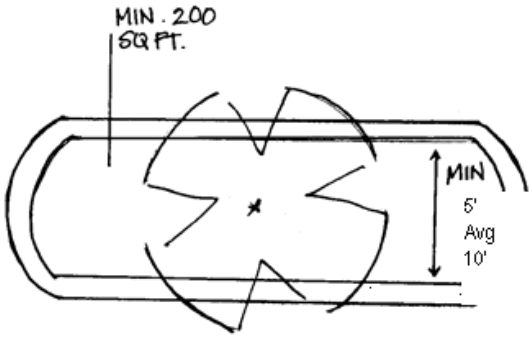
(A) Applicability. Parking lot landscaping shall be required for new parking lots with six (6) or more spaces. Required canopy trees and shrubs shall be located within the parking lot and adjacent to parking spaces in planting areas between rows of parking spaces, at the end of parking bays, in tree islands, or around the periphery of the lot.

(B) Planting Rate. For every fifteen hundred (1500) square foot of vehicular use area (VUA), one (1) deciduous tree and four (4) shrubs must be planted. At least seventy five (75) percent of the trees shall be large maturing species. Trees and shrubs must be planted within fifteen (15) feet of the VUSA to meet the requirement.

(C) Existing Trees. See Section 11.9 for information regarding credits for preservation of existing trees in parking lots.

(D) Reduction in Parking Requirements. To allow an existing development to retrofit parking to conform to the landscaping regulations, or to allow an existing or new development to preserve trees within or adjacent to a parking lot, the number of required off-street parking spaces may be reduced by the Planning Director by up to ten (10) percent.

(E) Tree Islands and Medians. When more than four trees are required in a lot with interior rows, 50 per cent of the trees and shrubs must be planted in islands or medians located within the parking lot. The planting islands or medians shall be a minimum size of 200 square feet with no dimension smaller than five (5) feet and an average width of ten (10) feet.



(F) Multiple Parking Bays. When there are more than 4 bays of parking, an interior island with an average width of twenty (20) feet and a length equivalent to the parking bay shall be constructed. It shall include a pedestrian walkway five (5) feet or more wide and a planted strip on one or both sides. The median should be located in such a way as to enhance pedestrian circulation within the development, leading to the entrance or to an adjacent sidewalk.

(G) Perimeter Parking. All continuous runs of fifteen (15) or more parking spaces shall be interrupted by a tree island.

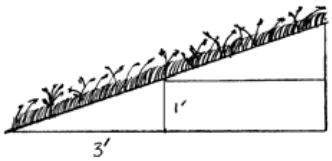
(H) Grouping. Shrubs and trees may be grouped or clustered in the required planting yards, except for the perimeter landscaping adjacent to parking lots, outside storage, access drives, and loading and unloading areas. The remainder of the materials shall be distributed throughout the planting yard. There shall be at least one (1) row of evergreen shrubs or evergreen understory trees in all Type A planting yards.

(I) Distance from Trees to Parking Spaces. All parking spaces shall be no greater than 40 feet from a tree unless a continuous 8' minimum width landscape island runs the length of the parking lot. If such an island is constructed, then no space shall be greater than 60 feet from a tree.

(J) Plant Protection. Whenever planting areas are adjacent to parking lots or drives, such areas shall be protected from damage by vehicles, lubricants, or fuels. Curbing or some other structural barrier is required to be placed around trees within five feet of a car bumper. Allowances may be made if rain gardens are incorporated into the planting area. Trees and shrubs in islands should be set back at least three feet from the curb to allow for the operation of car doors.

(K) Industrial Parking Lots. Parking lots in IND zoning districts may appeal to TRC under "equal or better" performance standards to allow flexibility for interior plantings, due to the nature and size of vehicles using these lots.

11.7. Reforestation of Slopes Steeper than 3:1



11.7-1 Tree Cover Required. Areas having slopes steeper than 3:1 must be reforested to provide tree cover over the entire area. The following standards apply:

(A) Reforestation shall include a minimum of one (1) tree per two hundred (200) square feet of surface area and shall be made up of a mixture of deciduous hardwood and evergreen trees that are a minimum of twelve (12) inches high at planting and approved by the Planning Director.

(B) The trunk of any required tree shall be no closer than ten (10) feet from any other existing tree.

11.8.Tree Conservation and Protection

11.8-1. Purpose of Tree Conservation Area. The purpose of the TCA (Tree Conservation Area) is to encourage the preservation of healthy trees that are four (4) inches or greater in diameter at breast height (DBH).

11.8-2. Tree Conservation Area Determination. The TCA shall be provided in accordance with the chart below. If trees of four (4) inches or greater DBH exist within or partially within these areas, such trees must be saved to the extent possible. The area will be designated a TCA and shall not be disturbed except as allowed herein.

Table 11.3

Size of Parcel	TCA Required to Include
0 – 55,000 sq. ft.	One percent (1%) of lot area and located within the required planting yard
55,000 sq. ft. – 5 acres	One and one-half percent (1.5%) of lot area. All trees four (4) inches or greater DBH that are located within the required planting yards
5.01 – 10 acres	Three percent (3%) of lot area. All trees four (4) inches or greater DBH that are located within the required planting yard or within fifteen (15) feet of the

	side and rear property lines, whichever is greater
Greater than 10 acres	Six percent (6%) of lot area. All trees four (4) inches or greater DBH that are located within the required planting yard or within twenty-five (25) feet of the side and rear property lines, whichever is greater

11.8-3. Tree Conservation Area Selection.

(A) In selecting which existing tree stands are to be designated as TCA, the landowner shall give due consideration to building, parking lot, driveway, street, and utility location as they relate to the practicality of preservation and shall use the following tree preservation priority list:

(1) Existing stands of mature hardwoods as highest priority, then

(2) Existing stands of younger hardwoods, then

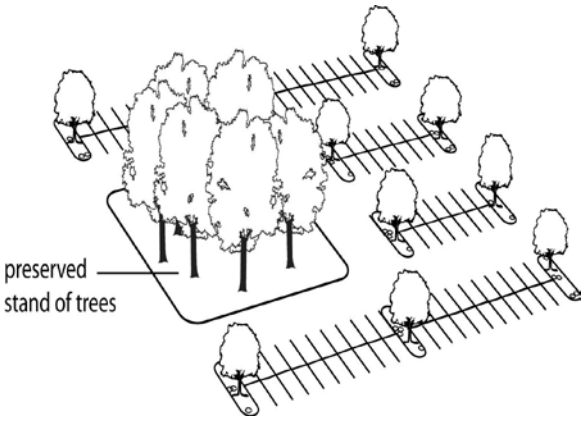
(3) Existing specimen trees (as determined by the Planning Director), then

(4) Existing stands of hardwoods and Pine mix, and lastly

(5) Existing stands of Pine trees. Preservation of a single Pine tree is not typically encouraged.

(6) TCA must be principally free of invasive species (i.e.- do not save "kudzu" infested areas).

(7) TCA must be a minimum of 50 feet in width and separated by a minimum buffer of 20 feet from any disturbed area. This area may be cleared, but a minimum 10" base of wood chips topped with a heavy, non-skid plywood or chain link fence panels must be placed over this area to prevent soil compaction.



(B) If it is necessary to pick among two or more stands of trees within a category listed above, the following priority list shall be used:

(1) Type A buffer yards, as a first priority, then
(2) Type B buffer yards, then
(3) Type C buffer yards, then
(4) Type D buffer yards, then
(5) Street tree yards, and lastly
(6) Vehicular use areas

(C) Smaller Trees: Trees less than four (4) inches DBH within the TCA may be preserved at the landowner's option and counted toward buffer yard, street tree, or vehicular use are requirements.

11.8-4. Tree Conservation Flexibility Standards. Flexibility can be granted in the following circumstances:

(A) Trees in Sensitive Areas: If there are trees that meet the TCA requirements on other areas of the site (riparian buffers, stream corridors, floodplains, etc), the landowner may request that the required TCA be designated around such trees instead of the usual locations.

(B) Stream Buffer Credits: Properties falling under the Stormwater Management Control Requirements, which are required to maintain an undisturbed stream buffer, may use some of or the entire buffer to satisfy the required TCA, provided that the undisturbed stream buffer contains trees that are a minimum of four (4) inches in DBH.

(C) Land Dedication: Land dedicated to the Town that is contiguous to the property being developed may be used towards the tree preservation requirement, if the dedicated land contains trees that are a minimum of four (4) inches in DBH

(D) Reforestation Credits: In situations where TCA requirements cannot be met based on site conditions and when approved by the Planning Director, reforestation efforts on the property can be used to satisfy up to fifty (50) percent of the required TCA.

(E) Reduction in the Amount of TCA Required for Specimen Tree Preservation Within the Lot: To allow developers the flexibility to manipulate the location of required Tree Conservation Areas, and to encourage the preservation of certain specimen trees or tree stands within developed lots rather than just at the periphery, the Planning Director may, at his or her discretion, allow the developer the right to reduce the total amount of required TCA using the following table:

Table 11.4

DBH of Existing Specimen Tree(s) in Inches	Allowable Reduction in TCA
8 – 12	5 % reduction

13 – 20	10% reduction
21 – 30	25% reduction
31+	40% reduction

(F) Waivers: The Tree Board shall have the authority to allow reduced buffer yards or to waive the buffer yard requirements to allow for a greater TCA in another area or make other exceptions, which meet the cause and intent of this section. Additionally, if the Tree Board concludes that due to existing unusual or unique site characteristics, preserving some or all required trees in the TCA(s) would create an undue or unreasonable hardship, the protection of some or all of required trees in the TCA(s) may be waived.

Applicants for such a waiver shall submit their request in writing, along with any necessary site plans to demonstrate the hardship. The application shall be submitted at least twelve (12) days prior to the next regularly scheduled Tree Board meeting, in order for the Board to hear the request at that meeting. The findings of the Tree Board shall be final and binding to all parties. Appeals of the Tree Board's decisions may be made to the Board of Adjustment, following the procedure outlined in Article 6 of this ordinance.

11.9. Tree Credits

11.9-1. Buffer Yards. All trees of appropriate size and type preserved in the TCA that are within the buffer yard shall be credited toward meeting all or part of the buffer yard requirements. The protection of tree stands, rather than individual trees, is strongly encouraged.

11.9-2. Street Trees. Existing preserved trees may count toward 100% of the street tree requirement, providing there is no more than 65' between trees.

11.9-3. Parking Lots. For new, expanded, or rebuilt parking lots where trees are being preserved adjacent to the parking lot in order to meet the parking lot planting requirements, trees preserved in a TCA and within fifteen (15) feet of the parking lot may be used to satisfy up to fifty (50) percent of the required number of parking lot trees. Non-TCA trees located within the parking area may count towards 100% of the requirement. Trees in the TCA counted toward planting yard requirements may not count for required parking lot trees.

11.9-4. Tree Health. No credit will be allowed for any dead tree, any tree in poor health, or any tree subjected to grade alterations. Trees should have a life expectancy of greater than ten (10) years and have a relatively sound and

solid trunk with no extensive decay, major insect, or pathological problems.

11.9-5. Tree Replacement. Except for storm damage, the death of any tree used for preservation credit within five (5) years of site development shall require the landowner to plant new trees equal to the number of credited trees. After five (5) years any trees that were used for preservation credit that die shall be replaced.

11.9-6. Calculation of Credit. Credits are to be given in accordance with the chart below.

Table 11.5

DBH of Existing Tree(s) in Inches	Number of Trees Credited
4 – 6”	1
7”-12”	2
13”-18”	3
19”-24”	4
25”+	5

11.9-7. Protection of Existing Trees. To receive credit, trees must be protected from direct and indirect root damage and trunk and crown disturbance. The following standards shall apply:

(A) Critical Root Zone. To preserve existing trees within the designated TCA, the Critical Root Zone (CRZ) of the trees shall be preserved. The CRZ will include a radius around the tree equal to or at least one foot for every one inch of DBH. It is recommended to preserve the entire CRZ of each preserved tree.

1. If the entire CRZ cannot be preserved, tree roots must be cut prior to the grading of the site and no closer than 10 feet from the tree trunk.
2. Disturbance within the CRZ will be allowed only on one side of the tree(s) to be saved and only with prior approval by the Planning Director.
3. Construction site activities such as parking, material storage, dirt stockpiling, concrete washout, and other similar activities shall not be permitted within the TCA.
4. The same land uses can encroach in the TCA as established

in the Buffer Yards Section 11.6 provided there is no disturbance to the CRZ of the preserved trees.

5. Changes that significantly raise the grade of soil adjacent to the TCA shall be avoided.
6. Utility line trenches and similar uses shall avoid the TCA. Due to certain site conditions, where disturbance within the TCA is unavoidable, underground tunneling or directional boring of utilities is preferred and allowed on one side only. Trenching shall be used only as the last alternative and root-pruning equipment specifically designed for that purpose shall be used. The Planning Director shall be notified prior to this type of activity and an on-site meeting shall be performed to ensure compliance. See the Town of Jamestown Standards and Specifications Manual for trenching detail.
7. Protective fencing shall be installed around the TCA prior to any tree disturbing activities. Such fences shall be at least four (4) feet high and shall consist of orange polyethylene safety fencing. Fencing shall remain in place until construction is complete and other landscaping has been installed, and the Planning Director has approved its removal. See the Town of Jamestown Standards and Specifications Manual for fencing detail.
8. The TCA should be designated as such with "Tree Conservation Area" signs (in both English and Spanish) posted visibly on the outside of the fenced-in area. Signs may not be posted on the trees.

(B) Tree Removal Inside the TCA. Trees less than four (4) inches DBH not being preserved, undergrowth and plant material in poor condition may be removed from the TCA. No roots shall be removed from the TCA. Stumps may be removed only by grinding. All requests for tree removal within the TCA must have prior approval by the Planning Director pursuant to the provisions of this chapter. Any tree within the TCA, including the CRZ, which the landowner chooses to remove or that must be removed due to poor health or impractical means of preservation shall be removed in a manner that is in accordance with standard arboricultural practice (See ANSI Standards) so as to cause as little disturbance or harm to those trees intended to be saved as practical. However, in an emergency situation due to storm damage; to alleviate an immediate hazard to the health, safety, and welfare of the citizens; or to repair property damage, prior approval for tree removal in previously approved designated areas is not required.

(C) Tree Conservation Plan Procedures. Approval of a Tree Protection

Plan is required for all projects, except those listed in Exemptions, and shall be submitted along with all other necessary drawings to the Technical Review Committee. Tree protection items shall be included on all grading plans, erosion control plans, and tree disturbance permit plans. Upon approval of the plan, a Tree Disturbance Permit will be issued prior to any tree-disturbing activities.

11.10 Activities requiring a Tree Disturbance Permit

11.10-1. Purpose. Except as otherwise exempted herein, it shall be unlawful to:

(A) Remove, prune, apply chemicals that are harmful to, or disturb any tree or the soil within the CRZ of any tree; or

(B) Clear vegetation from a site; or

(C) Begin any excavation, remove soil, or place fill on a site within Jamestown and its extraterritorial jurisdiction until the Planning Director has issued a permit certifying that such activity complies with the applicable provisions of this Ordinance.

11.10-.2. Applicability. The provisions of this section shall apply to any development except:

(A)Routine maintenance of existing vegetation outside the public right s-of-way, such as pruning, watering and fertilizing.

(B) The removal of dead trees and shrubs or trees and shrubs that have been diagnosed and determined to be diseased beyond treatment, with the burden of proof being placed on the remover.

(C)Removal of soil or vegetation from undeveloped land to allow for n on-commercial open space no greater than one-quarter (1/4) acre, providing this activity does not take place within the CRZ of any rare or specimen tree.

(D)Land disturbing activity normally associated with the occupancy of an existing single family or two-family dwelling.

(E) Any new construction or expansion of a single family or two-family dwelling requiring a building permit and involving land disturbance less than five thousand (5000) square feet, unless the land disturbance is cumulatively over five thousand (5000) square feet

11.10-3. Tree Protection Plan Requirements. A Tree Protection Plan for all development projects to which these standards apply, along with all other necessary drawings, shall be submitted to the Technical Review

Committee. Tree protection items shall be included on all grading plans, erosion control plans, and tree disturbance permit plans. Drawings shall identify the following items:

- Boundaries of the required TCA
- Required planting yards
- Protected trees within the TCA including tree size and species
- CRZ of each proposed protected tree or group of trees
- Limits of clearing
- Grading
- Trenching
- Required tree protection measures including protective fencing and signage
- Overhead and underground utilities, rights-of-way, and easements
- Areas of reforestation, if any
- Stream buffers, if any
- A complete survey of all trees on the ***site*** (outside the labeled TCA) that exceed 18 inches DBH, including tree size and species.

11.10-4. Plan Notes. The following required notes shall be indicated on tree protection plans, erosion control plans, grading plans, and Tree Disturbance Permit plans in **CAPITAL LETTERS**:

- Contact the Planning Department to set up a pre-construction meeting.
- All tree protection devices must be installed prior to inspection by the Planning Director and prior to any tree disturbance activities.
- Removal or damage of trees in the conservation area will be subject to the penalties established in the Section 11.18, Enforcement, of this Ordinance.

11.10-5. Plan Review. The aforementioned plans shall be reviewed by the Planning Director for conformance with applicable provisions of this section and for tree and vegetation viability. The plans will either be approved or returned for revisions. Reasons for return shall be noted on the proposed plan.

11.10-6. Installation of Protective Measures. All tree protection measures shall be installed prior to inspection by the Planning Director and prior to tree disturbance.

11.10-7. Site Inspections. The Planning Director will conduct follow-up site inspections for enforcement of the tree protection requirements.

11.10-8. Permit Display. All permits issued hereunder shall be so displayed as to be clearly visible from a public right-of-way. Annual permits shall be kept in all vehicles at the work site.

11.10-9 Emergency Waiver. The provisions of this section are waived if compliance would hamper the rescue of life or property from immediate danger or the repair of utilities in the event of emergencies such as wind storms, ice storms, or other disasters. Any emergency work shall follow the Town's Landscape Standards and Specifications as closely as possible.

11.11. Rare and Specimen Trees

11.11-1. Rare and Specimen Trees on Developing Land .

(A) Rare and specimen trees shall be shown on all preliminary landscape protection plans if such trees are within one hundred (100) feet of areas where soil disturbance or construction activity is proposed. In addition, these trees shall be identified and located by survey on the approved landscape protection plan if such trees are located on the development site or adjacent public property. The Planning Director may visit the site to determine the accuracy of identification.

(B) Proposed development shall be designed to preserve rare and specimen trees. Where rare and specimen trees exist, flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces, and location of utilities shall be pursued in order to save them.

(C) No soil disturbance from construction, trenching, grading, paving, or storage of equipment or materials shall take place within the critical root zone of any rare or specimen tree to be preserved unless the Planning Director determines there is no reasonable way the property can be developed without such disturbance or unless the proposed work will be carried out in accordance with the specifications for such work in the Jamestown Standards and Specifications Manual.

(D) No rare tree shall be removed from land being developed unless the Planning Director determines there is no reasonable way the property can be otherwise developed, improved or properly maintained and the tree saved.

11.11-2 Voluntary Protection of Rare and Specimen Trees on Private Land .

(A) Rare and specimen trees that are located on individual lots with single and two-family homes shall be protected if voluntarily registered by the property owner.

(B) Registration of such trees shall survive transfer of ownership if language is contained in the document transferring ownership and shall extend the coverage hereof.

(C) The owner shall be entitled to consultation with the Planning Director concerning proper care of the tree.

(D) Once so registered, trees may be removed from the register at a later date at the request of the property owner.

11.12. Land Being Developed (Outside the TCA)

11.12-1. Protective Fencing.

(A) Vegetation located outside the TCA that is to be protected on land being developed, as indicated on a landscape protection plan, shall be protected by fences or other equally effective measures during construction activity. Such fencing shall be located and erected according to Town standards and be located as shown on the landscape protection and site grading plans. All land disturbing activity, storage of equipment, building material, soil, and other debris shall be kept within the area of development activity and outside of the protective fencing.

(B) Vegetation that is to be retained during rights-of-way clearing of single family or two-family residential subdivisions, as indicated on a landscape protection plan, shall be delineated by high visibility flagging during construction activity. Such flagging shall be located and installed according to Town standards and be located as shown on the landscape protection and site grading plans. The use of flagging shall be limited to those specific applications where no rare or specimen trees will be affected by development activity and the Planning Director determines it to be as effective as protective fencing.

C) Landscaping activities taking place after the removal of protective fencing shall be accomplished with light machinery or hand labor and in accordance with the Town's Standards and Specifications Manual.

11.12-2 Treatment of Trees During Construction.

(A) No nails, ropes, cables, signs or fencing shall be attached to any part of any tree that is to be preserved.

(B) Trees that are damaged during construction shall be treated so as to promote their continued health.

11.12-3 Removal of Regulated Trees. No regulated tree shall be removed without first acquiring a permit from the Planning Director. Failure to do so shall constitute a violation of this chapter and shall be subject to the penalty provisions in Section 11.18, Enforcement, of this Ordinance.

(A) Enforcement. Upon a determination that work does not conform with provisions of this section, the Planning Director shall issue a stop work order which shall remain in effect until all corrections are made in conformance with this Ordinance.

(B) Pre-construction Conference. Prior to the commencement of any

activities requiring a permit, a pre-construction conference with the Planning Director shall take place to review procedures for protection and management of all protected landscape elements identified on the landscape protection plan and to designate one or more persons as landscape protection supervisor(s).

11.13. Public Trees – Maintenance and Protection

The following standards are hereby established for the maintenance and protection of public trees:

11.13-1. Approved Personnel. No person except an employee of a public utility or other approved public personnel shall cut, prune, or remove any living tree on or in a public highway, right-of-way, public park, sidewalk, or other public property; or cut or disturb or interfere in any way with the roots of any tree on public property, unless directed to do so by the Town.

11.13-2. Owner Responsibility. Every owner of any tree overhanging any street or right-of-way within the Town shall prune the branches so that such branches shall not significantly obstruct the view of any street intersection and so that there shall be a clear space of thirteen (13) feet above the street surface or eight (8) feet above the sidewalk surface. Said owners shall remove all dead, diseased or unsafe trees, or broken or decayed limbs that constitute a nuisance to the safety of the public. The Town shall have the right to prune any tree or shrub on private or public property when it constitutes a public safety hazard, interferes with pedestrian traffic or the visibility of any traffic control device, sign, or sight triangle.

11.13-3. Placement of Materials Around Plants. No person shall pile building or other material around any tree or shrub in a public right-of-way in any manner that will injure such tree or shrub.

11.13-4 Paving Adjacent to Trees. No person shall pave or place gravel, soil, or other such material within twelve (12) feet of any tree on public property, unless approved by the Planning Director.

11.13-5. Dumping of Deleterious Matter. No person shall dump, pour or spill any oil, pesticide, or other deleterious matter upon any tree or tree space in any public rights-of-way, or keep or maintain upon any public rights-of-way, any receptacle from which any oil, pesticide, or other deleterious matter leaks or drips onto any soil, parking area, or concrete gutter so as to injure any tree on any public property.

11.13-6 Disposal of Materials on Public Places. No person shall use parks, sidewalks, utility easements, or other public places to dump grass clippings, tree trimmings, rocks or other organic refuse. This shall not

apply to properly placed yard waste that is intended for pickup by Town of Jamestown Public Services or Solid Waste crews.

11.13-7. Decoration of Trees. No person shall decorate a tree or shrub in any public right-of-way, neutral ground, park, triangle or sidewalk, either with or without lights, or place advertising material, posters, political placards, rope, or wire on trees in public properties.

11.13-8. Planting of Street Trees. No part of this section is intended to prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with planting specifications set forth in this section and that any such planting conducted under utility lines shall be limited to planting material taken from the list of recommended small-maturing trees in this Ordinance.

11.14. Hazard Trees

The following standards are hereby established for trees and shrubs determined to be hazardous.

11.14-1. Removal of Trees. The Planning Director may order the removal of any tree, shrub, or part thereof on private or public property, which is unsafe or injurious to sewers or other public improvements, structures, or to the general public.

11.14-2. Right to Enter upon Property. The Public Services Director or his/her designee may enter upon public or private property in the Town to spray or otherwise treat any tree infected or infested by any parasite, insect, or disease to prevent the breeding or scattering of any parasite or animal pest and to prevent danger to persons or property or to trees planted on Town property.

11.14-3. Owner Notification and Opportunity to Correct. Prior to exercising the authority conferred by this section, the Planning Director shall give the owner notice and an opportunity to correct the condition by requesting that corrective action be taken. The request shall be in writing and sent via Certified Mail, Return Receipt requested, to the owner of the property in question and shall be acted upon within twelve (12) days (or a lesser period of time if an imminent threat to life or property exists) from the date of the receipt of the request. If, after twelve (12) days, the owner has not corrected the condition or undertaken action that would lead to a timely correction of the condition, the Planning Director may enter upon the property, perform the work necessary to correct the condition, and bill the owner for the actual costs incurred. If the property owner fails to pay the bill for such work within thirty (30) days of such notice, the amount of the bill and any collection costs incurred shall become a lien against the

subject property and shall be collected in the same manner provided for the collection of delinquent taxes. In situations involving an immediate threat to public health, safety, or welfare, the Town may act without prior notification to the property owner.

11.15. Species Selection and Planting Techniques

In order to ensure that landscaping required by this article is suitable and is planted in the correct manner, the following selection and planting techniques are hereby established.

11.15-1. Plant Species*:* Species used in required planting yards and parking lots shall be of a locally adapted nature. Refer to the recommended plant species list, which includes water wise species, in the Appendix. Other species may be approved by the Planning Director.

11.15-2. Plant Size*:* Specific plant sizes are listed below:

(A) Canopy Tree Size*:* When mature, a canopy tree should have a minimum height of forty (40) feet and have a minimum crown width of thirty (30) feet. Canopy trees must be a minimum of two (2) inches in caliper, measured six (6) inches above grade, when planted.

(B) Understory Tree Size: When mature, an understory tree should have a height of twenty-five (25) to forty (40) feet. Understory trees must be a minimum of one and one half (1.5) inches in caliper measured six (6) inches above grade at the time of installation.

(C) Shrub Size and Type: All shrubs approved for landscaping of vehicle use areas, loading and unloading areas, and outside storage areas shall be evergreen, with a minimum size of eighteen (18) inches, spread or height, when installed and reach a minimum height of thirty-six (36) inches and a minimum spread of thirty (30) inches. Such shrubs shall be planted using required planting techniques and located parallel to the edge of parking lots, access drives, loading and unloading areas, and outside storage areas. Required shrubs in other locations, outside of the areas listed above, may be evergreen or deciduous and shall be three (3) gallon in size as per ANSI standards at the time of installation.

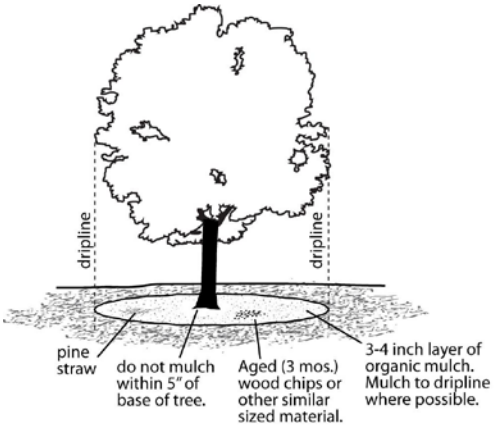
11.15-3. Planting Techniques

The following soil preparation techniques shall be used for all required landscape Areas.

(A) Soil preparation for the entire landscape yard includes the addition of organic amendments tilled to a depth of eight

(8) to twelve (12) inches.

(B) All plantings in landscape yards shall be mulched, including interior parking lot islands less than five hundred (500) square feet, to a depth of three to four (4) inches. The mulch shall be free of trash and maintained weed free thereafter.



(C) Earthen basins are to be constructed around the installed plants.

(D) Plants, as required by this section, are to be grouped together where possible.

(E) For establishment and survival, plants shall be watered by the landowner or contractor for the first year after planting.

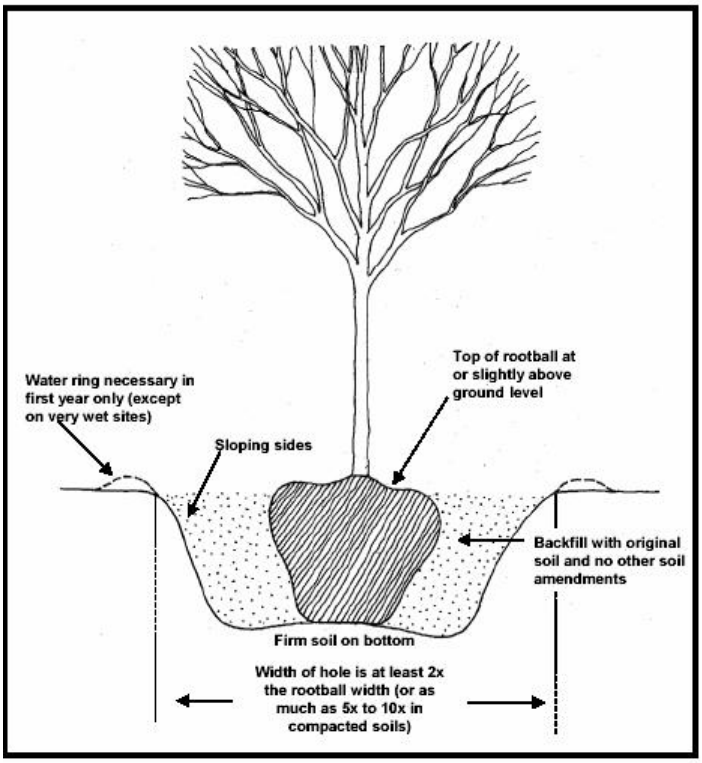


Figure 2. Recommended Tree Planting Method

11.16. Maintenance of Regulated Planting Spaces

Regulated spaces are those physical areas in which trees and landscape materials are required by this section.

11.16-1. Owner Responsibility. The owner or lessee of the property where landscaping is required shall be responsible for the maintenance and protection of all plant and screening material. Landscaped areas shall be maintained in good condition and kept free of debris. Any dead, unhealthy, or missing plants (preserved or planted) shall be replaced with new plant material equal to the number of credited plants planted or preserved, subject to the provisions of this Ordinance. The replacement plant material shall be sized according to the requirements of this section and shall conform to the initial planting rates and standards. The replacement plant material shall be planted within one hundred eighty (180) days of the date that dead, unhealthy, or missing plants are identified.

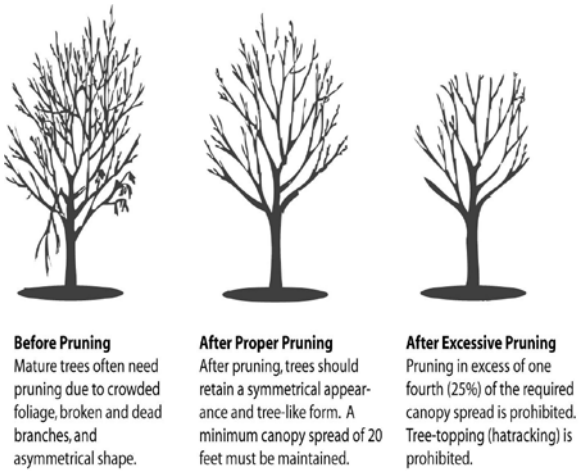
11.16-2 Failure to Maintain. Failure to maintain or replace dead, damaged, or diseased material or to repair a broken fence or wall (where such fence or wall is considered a required portion of the landscape as outlined by this section) shall constitute a violation of this Ordinance and shall be

subject to the provisions in Section 11.18, Enforcement, if not replaced within 30 days of notification.

11.16-3. Destruction by Natural Event. In the occurrence of a natural event which destroys a large quantity of vegetation, the owner or lessee shall have 180 days to replant. Replaced plant material must be in compliance with the minimum size, spacing and quantity standards of this section.

11.16-4. Irrigation. It is suggested that drip irrigation, which includes drip misters, be used for required landscaping planting beds during the required establishment period. After establishment, supplemental watering can be reduced and used on an as needed basis. Traditional spray irrigation is prohibited except for turf areas.

11.16-5. Pruning. All required trees shall be allowed to reach their mature size and shall be maintained at their mature size. Trimming and pruning shall be done in strict accordance with the American National Standards Institute (ANSI) standards. Topping is not an acceptable pruning practice. Topping is the reduction of a tree's size using heading cuts that shorten limbs or branches back to a predetermined crown limit. The Planning Director may require the removal and replacement of any tree(s) located in required planting yards or TCA's that have been topped or excessively trimmed.



11.17 Regulation of Tree Care Professionals

The following standards are established for tree care professionals working within the Town of Jamestown and its jurisdiction.

11.17-1. Town-Owned Lands.

(A) It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees or trees within Town owned public

rights-of-way without first applying for and procuring a Tree Disturbance Permit. Such a permit will only be granted to individuals, businesses, or companies who employ a Certified Arborist to perform or supervise all tree work.

(B) In order to receive a Tree Disturbance Permit, applicants must first sign an affidavit agreeing to abide by ANSI 300 Standards for tree care. Specifically, the "topping" of trees shall be prohibited except in cases where the top of the tree has been injured beyond repair by a storm or related incident.

(C) Before any permit shall be issued, each applicant must first file evidence of possession of liability insurance and workman's compensation insurance, in the minimum amounts as required by the Town of Jamestown, indemnifying the Town or any person injured or damage resulting from the pursuit of such endeavors as herein described.

(D) The Planning Director is authorized to suspend or revoke the right of any person or business to perform work for the Town of Jamestown that engages in work practices that do not comply with tree care standards as specified in this section and the related ANSI Standards.

11.17-2. Private Lands.

(A) The Town of Jamestown shall not directly regulate private companies providing tree care services on private property. However, the Planning Director may direct property owners to the International Society of Arboriculture (ISA) website or other resources to assist in the location of Certified Arborists, who have specific training in tree care.

11.18 Enforcement

Enforcement of the standards and requirements set forth in this article shall be as provided below.

11.18-1. Notice and Appeal.

(A) Notice of Violation. The Planning Director shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and the notice shall set forth the nature of the violation, the measures required to comply with this section, if compliance is at all practicable, and a reasonable time period (not less than 30 days and not to exceed 180 days) within which compliance must be met.

(B) Appeal. If any aggrieved party disagrees with a decision of

the Planning Director, such party may request a hearing within twelve (12) working days of receipt of the violation. The request must be in writing and directed to the Tree Board's secretary (or Town Clerk). The secretary shall immediately assemble an Appeals Board from among the membership of the Tree Board. The hearing will be conducted at the next regularly scheduled meeting of the Tree Board. The chairperson of the Town of Jamestown Tree Board shall always serve on the Appeals Board as the chairperson and shall not vote except to cast the deciding vote in case of a tie.

The aggrieved party shall have the right to be represented by Counsel and to examine and cross-examine witnesses at the said hearing. The Town Attorney shall serve as the Appeals Board's legal advisor during the said hearing. The Appeals Board shall render a written decision within 30 days after the hearing.

(C) Decision of Appeals Board. The Appeals Board may modify, amend or revise the decision appealed. The decision of the Appeals Board shall be served upon the appealing party by registered or certified mail, return receipt requested, or by hand delivery.

(D) Appeal to Superior Court. If any aggrieved party is dissatisfied with the decision of this Board, an appeal may be filed with the Guilford County Superior Court. Notice of the appeal must be filed within thirty (30) days of receipt of the Appeals Board's decision. Any appeals to the Superior Court shall be in the nature of certiorari.

(E) Injunction. Any aggrieved party may request an injunction to preserve the status quo during the pending of any appeal in accordance with applicable North Carolina law.

11.18-2. Penalties.

(A) Tree Disturbance Prior to Permit Approval. The penalty for the removal of or damage to trees, prior to the issuance of a tree disturbance permit or TRC approval shall be a civil penalty of ten thousand dollars ($10,000.00) per acre or fraction thereof. (I.e., the civil penalty for a site of 0.35 acres that is cleared prior to TRC approval or prior to the issuance of a tree disturbance permit is three thousand five hundred dollars ($3,500.00)). Additionally, the Town of Jamestown, under G.S. 160A-458.5, may deny a building permit to any landowner who clears land in anticipation of development in violation of this section for up to three (3) years after completion of the timber harvest. If it is determined that the timber harvest was a "willful violation"

of this Ordinance, then the Town of Jamestown reserves the right to deny development approvals for a period of five (5) years following the timber harvest.

(B) Removal or Damage to Individual Trees after Permit Approval: The penalty for removal of or damage to the CRZ of protected trees after the issuance of a tree disturbance permit, or TRC approval, within an approved TCA without approval by the Planning Director shall result in a civil penalty as determined by the Planning Director, up to the amount shown in the chart below, in addition to the replacement of those trees with quality specimens native to the Piedmont region of North Carolina.

Table 11.6

DBH of Tree(s) Removed or Damaged	Maximum Civil Penalty	Reforestation (4 inch DBH minimum)
4 – 11.9 inches	$800	1 tree
12 – 20.9 inches	$1,600	2 trees
21 – 28.9 inches	$2,400	3 trees
29 – 35.9 inches	$3,200	4 trees
36+ inches	$4,000	5 trees

(C) Removal of an Area of Trees after Permit Approval. The penalty for removal of or damage to an area of protected trees that have not been surveyed after the issuance of a tree disturbance permit or TRC approval, within an approved TCA without approval of the Planning Director, shall result in a civil penalty of ten thousand dollars ($10,000.00) per acre or fraction thereof but not less than one thousand dollars ($1,000.00). Such areas shall be reforested at a rate one (1), two-inch caliper canopy tree per two hundred (200) square feet.

(D) Failure to Install or Maintain Tree Protection Devices. There shall be a civil penalty of five hundred dollars ($500.00) per day for failure to install or maintain approved tree protection measures sufficient to protect the TCA beginning with the date the citation is issued and ending when the site is in compliance. The property owner may be subject to any penalties for damage under section (2) above.

(E) Failure to Comply with the Landscape Provisions. There shall be a penalty of five hundred dollars ($500.00) per day

for failure to install required landscape material or to replace dead landscape material beginning with the date the citation is issued and ending when the site is in compliance.

(F) Civil Penalties Considered Restorative. Civil penalties assessed under this section are considered restorative; intended to provide compensation to the Town for costs associated with the Town's program to monitor, control, prosecute, cure and/or correct the violation. As such, the amount declared herein is presumed to provide sufficient restoration to the Town for its costs. The decision of the Planning Director to assess a civil penalty may be delivered by personal service, by registered mail, or certified mail return receipt requested or by any means authorized under G.S. 1A-1, Rule 4. Each day of a continuing violation shall constitute a separate violation.

11.18-3. Appeal to Superior Court. Every decision of the Planning Director or the Appeals Board to assess a civil penalty shall be subject to review by the Guilford County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 30 days after the decision of the Planning Director or Appeals Board to assess a civil penalty.

11.18-4 Failure to Appeal and/or Pay: Any civil penalty that is assessed a person who violates the provisions of this Ordinance shall be recovered by the Town in a civil action in the nature of a debt (placement of liens against properties, etc.), to be brought in the Guilford County Superior Court if the violator fails to give notice of timely appeal and fails to pay the penalty within the prescribed period of time (generally 30 days after receipt of penalty) after he or she has been cited for the violation.

11.18-5 Violations Not Criminal: A violation of this Ordinance shall not be considered a misdemeanor under N.C. General Statute 14-4.

ARTICLE 12
OFF-STREET PARKING, STACKING, AND LOADING AREAS

12.1 Off-Street Parking, Stacking, and Loading Space Required.

When any building or structure is erected, modified, enlarged the requirements of this Section shall be met. For enlargements, modifications, or increase in capacity, the requirements of this Section shall apply only to such enlargements, modifications or increases in capacity. In cases of mixed occupancy, the minimum number of off-street parking and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified

12.2 Maintenance.

All parking, stacking, and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.

12.3 Access.

All parking, stacking, and loading facilities shall have vehicular access to a public street.

12.4 Use for No Other Purpose.

Land used to provide required parking, stacking, and loading shall not be used for any other purposes, except for temporary events. Use of land designated for and providing parking, loading, and/or stacking for other purposes shall be considered a violation of this Ordinance and subject to the penalty provisions of Article 23.

12.5 Requirements for Change in Use.

If a change in use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent (5%) in the required number of parking spaces or fewer than five (5) spaces, no additional off-street parking shall be required.

12.6 Accessible Spaces.

Accessible spaces for the physically handicapped shall be provided as required by the North Carolina Building Code.

12.7 Bicycle Parking.

All non-residential uses and all multi-family residential uses, including condos

and townhomes with shared parking, shall include bicycle parking spaces in the amount, at a minimum, equal to 5% of the parking provided for automobiles. This area may be a designated parking space within the parking lot near the building or an area outside the parking lot adjacent to the building. The bike parking area must include a bike rack with provisions for locking bikes.

12.8 Overflow Parking.

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

12.9 Parking of Over Size Vehicles in Residential Districts.

In order to maintain the visual appeal of residential areas, over size vehicles such as RV's (recreational vehicles), water craft and accessories, towing trailers, and commercial vehicles larger than one ton shall not be parked or stored on the street in residential districts

12.10 Off-Street Parking.

Off-street parking should be provided to meet the needs of the employees, clients, and/or customers of the principal use. Due to the potential for parking areas to use a large percentage of a development site, efforts should be made to accurately estimate the parking needs of the principal use. Strategies such as shared parking and remote parking should be used to maximize the use of existing parking available in the area in which a use is to be located. Parking areas should be designed to minimize breaks in the pedestrian environment along the public street and create safe and comfortable passage for pedestrians. The following standards shall therefore be met.

12.10-1 Location of Parking Lots. Parking lots shall be placed behind buildings where practical; persons who wish to vary from this standard will have to appeal to the Technical Review Committee. Side of the building parking will be permitted only as indicated by Building Type and shall be measured along the build-to line. Off-street parking is not permitted in front of the primary building facade, except where specified in an adopted street section, detailed as a public plaza, or as approved by the Technical Review Committee as part of site plan review and approval.

12.10-2 Limitation on Uninterrupted Areas of Parking. Uninterrupted areas of parking lot shall be limited in size. Large parking lots shall be

broken by buildings and/or landscape features.

Figure 12.10-1: Example of parking lot broken up by landscaping.

12.10-3 Enclosure of Parking Lots. Parking lots shall be enclosed by tree planting and/or building walls(s). For small lots (thirty-six spaces or less), landscaping shall be required at the perimeter; for large lots (more than thirty-six spaces), landscaping shall be at the perimeter and placed to break the lot into parking areas of no more than thirty-six spaces.

12.10-4 Pedestrian Corridors. Parking lots shall be designed to allow pedestrians to safely move from their vehicles to the building. On small lots, this may be achieved by providing a sidewalk at the perimeter of the lot. On larger lots, corridors within the parking area should channel pedestrians from the car to the perimeter of the lot or to the building(s). These corridors should be delineated by a paving material which differs from that of vehicular areas and planted to provide shade and an edge. Small posts or bollards may be used to define/protect the pedestrian corridors. The minimum width of the sidewalk or pedestrian corridor shall be five (5) feet, with vehicle encroachment is calculated as two (2) feet

beyond curb or wheel stop.

12.10-5 Driveway Width. To maintain pedestrian comfort and calm the speed of entering traffic, driveways to parking areas should be no wider than 24 feet. Driveways connecting to state roads shall meet the requirements of the NC Department of Transportation.

12.10-6 Interconnection of Parking Lots. To the extent practicable, adjoining parking lots serving non-residential buildings shall be interconnected. When vehicular connections are not practical, pedestrian walkways shall be provided to enable pedestrian connections between parking lots.

12.10-7 Paving of Parking Lots. All commercial driveway and parking areas shall be paved with asphalt, concrete, pervious pavement, or brick pavers except for areas used for overflow, special events, and peak parking. Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement, or brick pavers. Paving shall not be required for:

(A) Parking facilities used on an irregular basis for churches, private clubs, or other similar nonprofit organizations.

(B) Parking areas for agricultural uses in the Agricultural (AG) District.

(C) Parking areas for manufacturing and industrial uses in the Industrial (IND) District provided they are constructed with an all-weather surface.

(E) Parking areas for tracked heavy construction equipment, skid-mounted equipment and similar equipment, provided they are constructed with an all weather surface.

For paved parking areas, curb and gutter or an equivalent drainage system shall be provided along the periphery of the parking lot, except where it is determined by the Planning Director that such system is not practical for storm drainage and/or water quality purposes. Access drives shall be paved and maintained from the curbline to a point at least ten (10) feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved.

12.10-8 Minimize Dust and Erosion. All parking areas shall be graded, properly drained, stabilized, and maintained to minimize dust and erosion.

12.10-9 Marking of Parking Spaces. All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment.

12.10-10 Wheel Guards or Curbs Required. All parking spaces shall be

provided with wheel guards or curbs located so that no part of the parking vehicle will extend beyond the property line or encroach into a required planting area.

12.10-11 Reduction in Number of Spaces. Unless there is a change in use requiring a lesser number of spaces, the number of spaces shall not be reduced below the minimum requirements of this Article except as provided for in Section 12.5 (Requirements for Change in Use).

12.10-12 Parking Space Dimension. The minimum size for parking spaces shall be 9 feet by 18 feet.

12.11 Off-Street Parking Requirements.

While on-street parking can contribute substantially to every day parking needs, sufficient off-street parking must also be provided to serve the particular needs of the building(s). The following minimum and maximum requirements for off-street parking are set forth to ensure the provision of adequate off-street parking while preventing the development of parking areas that are under used.

TABLE 12-1

Type of Land Use	**One Parking Space Required for Each:**	
	Minimum	**Maximum**
Residential		
Accessory dwelling unit	1 bedroom	0.5 bedroom
Dwellings, multi-family with 2 bedrooms or less	1 unit	0.5 unit
Dwellings, multi-family with 3 bedrooms or more	0.5 unit	0.33 unit
Dwellings, multi-family elderly or disabled	2 units	0.5 unit
Dwellings, single-family with 2 bedrooms or less	1 unit	0.33 unit
Dwellings, single-family with 3 bedrooms or more	0.5 unit	0.25 unit
Public Facilities and Institutions		
Ambulance services, fire	2 employees on largest shift	1 employee on largest shift

stations, police stations		
Assisted living facilities	2 employees, plus 1 space per 2 units	1 employee, plus 1 space per 1 unit
Adult care facilities	2 employees, plus 1 space per 6 adults	1 employee, plus 1 space per 6 adults
Child care facilities	2 employees, plus 1 space per 10 children	1 employee, plus 1 space per 10 children
Churches, Synagogues, and places of worship	1 space for each 4 seats or each 40 sq. ft. of floor area available for movable seats or for each 200 sq. ft. of gross floor area	1 space for each 1.75 seats or each 30 sq. ft. of floor area available for movable seats or for each 150 sq. ft. of gross floor area
Civic, social service, cultural, and fraternal facilities	350 sq. ft.	250 sq. ft.
Colleges and universities	3 employees, plus one space per 3 full-time students not residing on campus	1 employee, plus one space per each full-time student not residing on campus
Family care homes and group homes, children	2 employees	1 employee
Family care homes and group homes, adults	2 employees, plus 1 space per 5 adults	1 employee, plus 1 space per 5 adults
Hospitals	4 in-patient or out-patient beds plus 1 space per 2 employees on largest shift	3 in-patient or out-patient beds plus 1 space per 1 employee on largest shift
Libraries, museums, and art galleries	450 sq. ft., plus one space per 2 employees on shift of greatest employment	250 sq. ft., plus one space per 2 employees on shift of greatest employment
Medical, dental, or related offices	Examining room plus 1 space per 2 employees, including doctors	0.33 Examining room plus 1 space per employee, including doctors
Nursing and convalescent homes	4 beds plus 1 space per 2 employees on largest shift	3 beds plus 1 space per 1 employee on largest shift
Schools (kindergarten, elementary, middle, and high)	0.5 classrooms, plus 1 space per 5 students for high schools	0.33 classrooms, plus 1 space per 5 students for high schools
Shelters	2 employees/volunteers on largest shift	1 employee/volunteer on largest shift

Office, Business, and Industrial Uses		
Banks & financial institutions	350 Sq. ft. gross floor area plus stacking for 4 vehicles for each drive through facility	250 sq. ft gross floor area plus stacking for 4 vehicles for each drive through facility
Barber shops and salons	0.5 operator stations, plus one space per 2 employees on shift of greatest employment	0.33 operator stations, plus one space per 2 employees on shift of greatest employment
Batting cages, driving ranges, miniature golf, shooting ranges	2 cages, tees, or firing points	1 cage, tee, or firing point
Bed and breakfast establishments, tourist home, boarding house	1 room, plus 1 space for the resident manager/ owner and 1 for each employee	0.5 room, plus 2 spaces for the resident manager/ owner and 1 space for each employee
Car wash (full service)	2 spaces in manual drying area plus 1 space per 2 employees on shift of greatest employment plus stacking for 20 vehicles	3 spaces in manual drying area plus 1 space per employee on shift of greatest employment plus stacking for 30 vehicles
Car wash (self service)	0.5 wash bays, plus 2 stacking spaces per wash bay	0.33 wash bays, plus 2 stacking spaces per wash bay
Clubs, lodges	350 sq. ft.	200 sq. ft.
Convenience stores with gas pumps	350 sq. ft. (spaces at gas pumps are not recognized as parking spaces)	200 sq. ft. (spaces at gas pumps are not recognized as parking spaces)
Delivery services	2 employees on largest shift plus 1 per vehicle used in operation	1 employee on largest shift plus 1 per vehicle used in operation
Drive through (not otherwise classified)	2 employees plus stacking for 3 vehicles at each window or machine	1 employee plus stacking for 4 vehicles at each window or machine
Equipment rental and leasing establishments	350 sq. ft.	250 sq. ft.
Flea markets; open air sales	0.5 acre of site area plus 1 per 2 employees on largest shift	0.25 acre of site area plus 1 per employee on largest shift
Funeral establishments	4 seats of largest public room, plus one space per 2 employees on shift of greatest	2 seats of largest public room, plus one space per 1 employee on shift of greatest

	employment	employment
Furniture sales, floor covering sales	1500 sq. ft. gross floor area	1000 sq. ft. gross floor area
Health and fitness facilities, similar indoor recreation	200 sq. ft.	100 sq. ft.
Hotels and motels	2 guest rooms, plus additional spaces as required for other uses within the hotel/motel	1 guest room, plus additional spaces as required for other uses within the hotel/motel
Kennels or pet grooming	500 sq. ft. of sales, grooming, or customer waiting area plus 1 space per 2 employees on largest shift	350 sq. ft. of sales, grooming, or customer waiting area plus 1 space per 1 employee on largest shift
Live-work unit	Residential unit plus each 350 sq. ft. of office/business space	Residential unit plus each 250 sq. ft. of office/business space
Manufacturing, assembly or finishing operations	2 employees on shift of greatest employment plus 1 space per 400 sq. ft. of retail sales or customer service area	1 employee on shift of greatest employment plus 1 space per 200 sq. ft. of retail sales or customer service area
Motor vehicle, motorcycle, or recreational vehicle sales or display rental; manufactured home sales	10,000 sq. ft. of display are plus 1 space per 2 employees on largest shift	5,000 sq. ft. of display area plus 1 space per employee on largest shift
Office	350 sq. ft.	250 sq. ft.
Repair and service businesses providing on-site services	300 sq. ft.	200 sq. ft.
Repair and service businesses providing off-site services	2 employees	1 employee
Restaurants, bars, night clubs (plus 11 paces for stacking if drive-through service is proposed)	4 seats, plus one space per 2 employees on shift of greatest employment	2 seats, plus one space per 2 employees on shift of greatest employment
Retail sales	350 sq. ft.	200 sq. ft.
Self-service storage	10 storage units, plus one space	5 storage units, plus one

facilities	per 2 employees on shift of greatest employment	space per 2 employees on shift of greatest employment
Servicing, packaging, and storage of commodities	2 employees on shift of greatest employment	1 employee on shift of greatest employment
Theaters, stadiums, arenas, and sports courts	4 seats	3 seats
Vehicle service stations and auto repair garages (spaces at gas pumps are not recognized as parking spaces)	1 service bay, plus one space per 2 employees on shift of greatest employment	0.33 service bays, plus one space per 2 employees on shift of greatest employment
Veterinary services	1 employee (including doctors) plus 2 spaces per doctor	1 employee (including doctors) plus 4 spaces per doctor
Warehouses, wholesale, and distributive businesses	2 employees on shift of greatest employment, plus one space per 350 sq. ft. of area open to the public	1 employee on shift of greatest employment, plus one space per 250 sq. ft. of area open to the public
Other		
Amusement parks, fairgrounds, skating rinks	350 sq. ft. of activity area	250 sq. ft. of activity area
Athletic fields	350 sq. ft. of field	250 sq. ft. of field
Equestrian facility	2 stalls	1 stall
Golf courses	0.5 tee	0.25 tee
Tennis Courts	1 court	0.5 court

For any use not specifically listed in this Section, the parking, stacking and loading requirements shall be those of the most similar use.

12.12 Off-Street Parking Exceptions.

The following exceptions to the off-street parking requirements of section 12.11 shall be permitted.

12.12-1 Existing Buildings and Infill Housing in the MS District. In the Main Street (MS) District, existing buildings that were legally constructed without the provision of on-site parking, and

infill housing on existing lots of record may meet requirements with on-street parking, if available, and will be construed conforming as to parking. Such buildings are eligible for change of use permits, and for building upfits. Any expansion of the building and/or use shall provide off-street parking as required by this Article.

12.12-2 Parking Reduction in MS District. In the Main Street (MS) District, the off-street parking requirements of this Article shall be reduced 30% for all uses.

12.12-3 Fee in Lieu in MS District. In the Main Street (MS) District, uses may provide a fee in lieu of providing any or all of the off-street parking required by this Article. This fee shall be in the amount determined by the Town of Jamestown and based on the cost of providing parking (including land costs, development costs, and maintenance costs) in the Main Street District. Such fee(s) shall be used by the Town for the provision and maintenance of parking in the Main Street District. Any fee collected in lieu of providing the required parking for a particular business or use shall be used to provide or maintain parking that can be used by clients, customers, employees, and others frequenting that business or use. Such parking shall be located within a reasonable distance (not more than 1,350 feet as measured along pedestrian ways) of the business or use providing the fee in lieu.

12.12-4 On-Street Parking for Residential Buildings. Residential buildings may meet or contribute to meeting parking requirements with on-street parking, where available and approved by TRC, if individual driveways are minimized and the fronting street is specifically designed to meet the parking needs of the residential buildings.

12.12-5. Parking on Streets

(A) In Residential Districts. Parking shall be allowed along all streets in residential districts except along alleys, designated bike lanes, and areas specifically signed for no parking. Vehicles shall park so as not to block access to properties.

(B) In All Other Districts. Parking shall be allowed in designated areas (paved and striped) along the street in all other districts. Where the Town of Jamestown has indicated that “No Parking” is allowed, violations shall be enforced by the Guilford County Sherriff’s Department.

Violations may include, but not be limited to, warnings, citations, towing, or any other means as necessary to remedy the situation.

12.12-6. No Parking in Right-of-Way. Off-street parking shall not extend into the public right of way, or into an easement for a public sidewalk on private property.

12.12-7. Storage of Vehicles on Street. Vehicles shall not be parked on the street for extended periods such that they appear to be stored on the street. The Planning Director, at his/her discretion, may require removal of vehicles that appear to be stored on the street in the interest of protecting the public safety and welfare.

12.12-8. Shared and Remote Parking.

(A) Shared parking. The Planning Director shall approve the joint use of up to 100 percent of the required parking spaces for two or more uses located on the same parcel or adjacent parcels; provided that the developer can demonstrate that the uses will not overlap in hours of operation or in demand for the shared spaces. Any sharing of required parking spaces by uses located on different parcels shall be guaranteed by a written agreement between the owner of the parking area and the owner of any use located on a different parcel and served by the parking area. Should the uses change such that the new uses overlap in hours of operation or in demand for the shared spaces, the shared parking approval shall become void. Parking meeting the requirements of this Article shall then be provided for each use. Parking agreements shall be for a minimum of five (5) years, shall run with the property, and shall be recorded in the office of the Register of Deeds for Guilford County. A sidewalk or other pedestrian way shall connect the shared parking area to the uses for which parking is being provided.

(B) Remote parking. If the required number of parking spaces for any land use cannot be reasonably provided on the same lot on which the principal use is located, such parking space may be provided, for up to a maximum of 50% of the required parking, on any land within 750 feet walking distance of the

property on which the principal use is located, provided that the zoning use regulations for the district in which the remote parking space is located permit the principal use which the parking spaces serve and, provided further, that no crossing of a major thoroughfare is required to travel from the use to the remote parking spaces, unless the pedestrian may access the remote parking by crossing said thoroughfare at a signalized crosswalk. Uses that cannot provide the remaining 50% of the required parking on-site must pay a fee-in-lieu or otherwise comply with the off street parking requirements. Any remote parking spaces located on a different parcel than the use for which the remote parking spaces serve shall be guaranteed by a written agreement between the owner of the remote parking area and the owner of the use located on a different parcel and served by the remote parking area. Change of ownership of either parcel shall require a renewal of the agreement. Parking agreements shall be for a minimum of five (5) years, shall run with the property, and shall be recorded in the office of the Register of Deeds for Guilford County.

12.12-9. Parks & Recreation Districts

(A) The Planning Director may approve the joint use of up to 100 percent of the required parking spaces for properties zoned Parks & Recreation (PNR), provided that public parking is available within 750' walking distance of the property on which the principle use is located, and provided that if a major thoroughfare crossing is required, that there is a painted pedestrian crossing which permits safe access across said thoroughfare.

12.13 Loading Areas.

Off-street loading areas shall be provided to allow for delivery, loading, and similar activities to occur in a safe, designated area that will not impede the flow of traffic or block pedestrian or vehicular access.

12.13-1 Location. Off-street loading areas shall be located on the same zone lot as the use they serve.

12.13-2 Minimum Size. The minimum size for an off-street loading area shall be 250 square feet.

12.13-3 Arrangement. All off-street loading areas shall be arranged and marked to provide for orderly and safe unloading and loading, and shall not hinder the free movement of vehicles and pedestrians. All loading and unloading maneuvers shall take place on private property. No backing in from street or maneuvering on right-of-way shall be permitted.

13.13-4 Minimum Number of Loading Areas Required.

(A) Retail operations, including restaurant and dining facilities within hotels and office buildings:

Gross Floor Area (SQ FT)	Number of Areas
0 - 20,000	0
20,001 - 40,000	1
40,001 - 75,000	2
75,001 - 150,000	3
150,001 - 250,000	4
For each additional 250,000 square feet or fraction thereof	1

(B) Office buildings and hotels:

Gross Floor Area (SQ. FT)	Number of Areas
0 - 100,000	0
For each additional 100,000 square feet or fraction thereof	1

(C) Industrial and wholesale operations:

Gross Floor Area (SQ. FT.)	Number of Areas
0 - 10,000	0
10,000 - 40,000	1
40,001 - 100,000	2
100,001 - 160,000	3
160,001 - 240,000	4
240,001 - 320,000	5
320,001 - 400,000	6
For each additional 90,000 square feet or fraction thereof	1

ARTICLE 13
STREETS

13.1 General.

Streets should be designed to suit their functions. Many streets, especially local ones, have purposes other than vehicular traffic. As an alternative to current N.C. Department of Transportation road standards, the following street standards are provided for non-state maintained streets within the Town of Jamestown and for streets within the Extraterritorial Zoning Jurisdiction that will be maintained by the Town upon annexation. Streets built to the standards identified in this section are eligible for Town maintenance.

Streets in Jamestown should be inviting public space and integral components of community design. A hierarchical street network should accommodate a variety of uses, including bicycle, pedestrian, and transit routes. All streets should connect to help create a comprehensive network that enables the free movement of automobiles, bicyclists, and pedestrians. In order for this street network to be safe for motorists and pedestrians, design elements must consistently be applied to calm automobile traffic.

Where discrepancies occur between the text of this Ordinance and the Town of Jamestown Technical Standards and Specifications Manual, the Technical Standards and Specifications Manual shall prevail.

13.2 Street Standards.

Streets in the Town of Jamestown shall:

13.2-1 Interconnect. Interconnect within a development and with adjoining development. Cul-de-sacs shall be allowed only where topographical and/or lot line configurations offer no practical alternatives for connections or through traffic. Street stubs shall be provided within development adjacent to open land to provide for future connections.

13.2-2 Pedestrian Scaled. Be designed as the most prevalent public space of the town and, thus, scaled to the pedestrian.

13.2-3 Bordered by Sidewalks. Be bordered by sidewalks with a minimum width of five (5) feet on both sides, with the exception of rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways. Sidewalks on one side of the road may be permitted in the Agricultural District to protect water quality. Sidewalks may be located in the street right-of-way, on private or public property, or in common areas. All sidewalks not located within the public right-of-way shall have a public access easement

permitting public use of the sidewalk.

13.2-4 Street Trees. Be lined with street trees located on both sides, with the exception of rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways. Street trees along streets in all non-urban areas shall be located in a planting strip as per the standards set forth in the Town of Jamestown Technical Standards and Specifications Manual.

13.2-5 Public Streets. Streets shall be public. Private streets are permitted on a limited basis only in accordance with standards set forth in section Article 2 of this Ordinance and when constructed in accordance with the standards set forth in the Jamestown Standards and Specifications Manual. Alleys will be classified as public or private depending on function, according to the street acceptance policy.

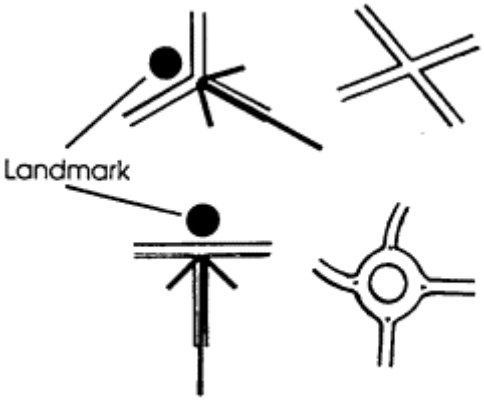
13.2-6. Focus for Buildings. All principal buildings should front on public streets as dictated by the lot and building type standards of Article 9.

13.3 Intersections.

Segments of straight streets should be interrupted by intersections designed to:

13.3-1 Reduce Speed. Disperse traffic flow and reduce speeds, thereby eliminating the creation of de facto collector streets with high speed, high volume traffic; and

13.3-2 Terminate Vistas. Terminate vistas with a landmark such as a significant natural feature, a building, a small park, or other public space.



Other traffic calming measures such as neckdowns, chicanes, mid-block diverters, intersection diverters, curb bulbs, serial hill crests, and related devices will be considered on a case by case basis, based on safety and appropriateness in the proposed location.

13.4 Blocks.

Street blocks defined by public streets are the fundamental design elements of traditional neighborhoods. In urban conditions, any dimension of a block may range from 250 to 500 linear feet between cross streets. In major subdivisions the dimension of blocks may not exceed 800 linear feet between cross streets. Within large-lot subdivisions the blocks may be up to 1500 feet. The block pattern should continue to establish the development pattern at the project edge. Where a longer block will reduce the number of railroad grade crossings, major stream crossings, or where longer blocks will result in an arrangement of street connections, lots and public space more consistent with this Article and Article 11 of this ordinance, the Technical Review Committee may authorize greater block lengths at the time of subdivision preliminary plat review and approval.

13.5 Street Plan.

The layout of streets should provide structure to the neighborhoods. The formality of the street plan will vary depending upon site conditions and topography. Unique site conditions should be used to create special neighborhood qualities. The street plan for new developments should reflect the character of the Town of Jamestown and comply with the standards set forth in section 13.2 above.

13.6 Street Design.

Designs should permit comfortable use of the street by motorists, pedestrians, and bicyclists. Pavement widths, design speeds, and the number of motor travel lanes should be minimized to enhance safety for motorists and non-motorists alike. The specific design of any given street must consider the building types which have frontage and the relationship of the street to the overall town street network. The following specifications apply to street design:

13.6-1. Street trees and sidewalks are required on both sides of public streets except rural roads, lanes, alleys, and the undeveloped edge of neighborhood parkways except that sidewalks may be permitted on only one side of the street to accommodate low impact design in the Agricultural District. The street tree planting strip should be a minimum of 5’ in width and sidewalks shall be a minimum of 5’ in width unless otherwise provided. On commercial streets, sidewalks should be a minimum of 7’ in width. A 10’ minimum width sidewalk with tree grates or cut-outs is required and 12’ is encouraged on commercial streets, on properties and streets adjacent to schools, and especially in the Main Street district. Generally, canopy trees shall be planted at a spacing not to exceed 40’ on center. Where overhead utility lines preclude the use of canopy trees, small maturing trees may be substituted, planted 30’ on center.

13.6-2. On-street parking is recommended where building type and use will generate regular parking use. Occasional on-street parking can be accommodated without additional pavement width. For streets that serve workplace and storefront buildings, on-street parking lane(s) are required and should be marked as such. An on-street parking lane on at least one side of the street is recommended on streets serving attached houses and detached houses with lots 60' or less in width. On-street parking must also be provided on one side of any street adjacent to a square, park or other Urban Open Space. Parallel on-street parking width is 7' to 8'. On-street parking should be parallel; angled parking is only permitted as an intentional design element along the main street(s) of the retail center in a Traditional Neighborhood Development (TND District).

13.6-3. Design speeds should not exceed 30 miles per hour on any neighborhood street. Only arterials and town boulevards may exceed this design speed.

13.6-4. Traffic control plans showing signage and pavement markings shall be prepared in accordance with the guidance of the Manual on Uniform Traffic Control Devices. The developer is responsible for the initial installation of the devices or markings and the maintenance thereof until the public accepts the street for maintenance.

Design standards and specifications for Town streets are set forth in the Town of Jamestown Standards and Specifications Manual. The street specifications in this manual may only be varied in accordance with the design principles set forth above and as approved by the Technical Review Committee during the site plan or subdivision plat review process.

13.6-5. Cul-de-sacs shall have a minimum 5' pedestrian access easement, and shall have paved pedestrian connections, where practicable to encourage pedestrian access connectivity. See Additional cul-de-sac standards in Article 16.2-7, Street Design.

ARTICLE 14

FLEXIBLE DEVELOPMENT STANDARDS.

14.1 Purpose.

The purpose of this section is to provide the Technical Review Committee with the authority to allow deviations from the minimum development standards for setbacks, lot area, and lot dimension as otherwise set forth in this land development ordinance provided that certain conditions exist. The intent of this section is to promote the orderly and efficient development and redevelopment of property within the Town of Jamestown.

14.2 Approval of Flexible Development Standards.

Determination of the applicability of flexible development standards shall be made by the Technical Review Committee (TRC) and, in applying these standards, the TRC may establish conditions to ensure that the circumstances which warranted the application of the flexible development standards are maintained. Decisions by the TRC shall be in writing and may be appealed to the Board of Adjustment by following the procedures for zoning appeals as provided in Article 6.

14.3 Flexible Development Standards Permitted.

The cumulative total of any flexible development standard applied to a property by category or location shall not exceed the allowances set forth in this section. The TRC shall maintain appropriate records to ensure compliance with this provision. The following flexible development standards may be approved by the TRC:

14.3-1 Setbacks. The TRC is authorized to approve requests that deviate from required setbacks set forth in Article 8 (Zoning) and Article 9 (Building and Lot Type) of this Ordinance by up to ten percent (10%) of the required setbacks or 24 inches, whichever is greater, upon determination that one or more of the following conditions exists:

(A) There are site or structural conditions that preclude strict adherence to the setback requirements, such as, but not limited to: the lot does not meet the dimensional standards established for the zoning district in which it is located; the lot has topographic limitations that require placement of the structure into the required setback area; or the structure is physically in line with an existing, legally-

established wall or walls of a principal structure already within the minimum setback area.

(B) The part of the proposed structure that encroaches into the minimum setback area is necessitated by a life-safety code, flood hazard reduction, Americans with Disabilities Act standard, or other public safety code requirement(s).

(C) The reduction of the front and/or corner side setback allows the structure to meet the average front and/or corner side setback of other existing structures in the applicable block face.

(D) The placement of the proposed structure will allow for the preservation of significant existing vegetation.

14.3-2 Lot area and lot dimension. The TRC is authorized to approve requests to permit a reduction of up to ten percent in the minimum lot area or lot dimensional standards set forth in Article 8 (Zoning) and Article 9 (Building and Lot Type), upon finding that the reduced lot area and/or lot dimensions will not inhibit the reasonable use of the lot and that the reduced lot area and/or lot dimensions are in keeping with the historic pattern of development in the area.

14.3-3 Building coverage and frontage. The TRC is authorized to approve requests to permit a reduction of up to ten percent in the building coverage and frontage standards set forth in Article 8 (Zoning) and Article 9 (Building and Lot Type) of this Ordinance, upon finding that the reduced building coverage and/or frontage will not adversely impact the development pattern of the street which is the location of the property for which the adjustment is requested.

14.3-4 Flexibility for Parking Standards

The presumptive standards set forth in the parking requirements table cannot cover every possible use or situation, nor can the table be considered exact. Therefore, the Technical Review Committee (TRC) is given flexibility to administer this section as follows:

A. Parking space requirements for a use NOT identified in the table shall be based on a similar, listed use.

B. Deviations from the number of spaces required, up to 10%, are permitted when the TRC can determine that the requirements for a

particular situation are unreasonable. The applicant shall request a deviation in writing from the TRC and the reasons for allowing or denying the deviation from the requirements shall be noted in writing by the TRC and provided to the applicant. The TRC may require "equal or better performance" standards or other conditions as a part of the agreement to allow a deviation from the Ordinance requirements.

C. The TRC shall provide the Planning Board a copy of any ruling whereby section 14.3-4 "Flexibility Standards" may apply at the Planning Board's next regularly scheduled meeting. The purpose of which is to keep Planning Board members abreast of any request for flexibility and, subsequently, the TRC's ruling on such requests.

14.4 Variances.

No variances shall be allowed with regard to deviations from development standards that have been approved pursuant to this section of this ordinance nor shall any deviations from these development standards make void or otherwise modify any variance decision by the Board of Adjustment.

ARTICLE 15
SPECIAL EVENTS AND TEMPORARY STRUCTURES

15.1 General standards and limitations.

It is the purpose of this section to provide specific guidelines and standards for special events and temporary structures. A special event or temporary structure allowed in a particular zoning district shall be treated as a use with additional standards and shall comply with all listed requirements for such event or structure as set forth in sections 15.2 and 15.3 below. These standards are not intended to regulate events sponsored by the Town of Jamestown.

15.2 Requirements for Special Event and Temporary Structure Permits.

The Planning Director shall issue a permit only upon finding that the proposed special event and/or temporary structure(s) satisfies the following requirements:

- The special event and/or temporary structure is permitted under subsection 15.3 below.
- The property contains sufficient space to support the special event and/or temporary structure.
- Parking is deemed adequate to accommodate the proposed special event and/or temporary structure in addition to required parking for any permanent use or uses also located at the site.
- The special event and/or temporary structure will not create hazardous vehicular or pedestrian traffic conditions and adequate space is provided for access and maneuvering.
- Adequate sanitary facilities, utility, drainage, refuse management and similar necessary facilities and services will be available to serve employees, patrons and/or participants.
- Plans for security and safety are provided.
- All inspections and permits required by applicable construction codes have been made and approved by the agency charged with enforcing such regulations.
- Special events are allowed to encroach within required building setbacks, but can not be located within required buffers, street tree planting strips, or other required landscaped areas. Temporary structures must comply with minimum setback requirements of the zoning districts in which they are located.
- The special event and/or temporary structure meets all other applicable requirements.

15.3 Special Events and Temporary Structures Allowed.

The following uses and structures may be established as special events and/or temporary structures in the zoning districts listed, subject to approval by the Planning Director in accordance with the procedures established in section15.2 above.

Table 15.2

Special Event or Temporary Structure	Maximum Duration	Maximum Frequency	Permitted Districts	Permit Required	Additional Standards
Christmas trees, pumpkins or other seasonal material sales/events	45 days	2 per year	All nonresidential districts	Yes	None
Construction containers	During active building permit	During active building permit	All districts	No	See note 1 below
Events of public interest	3 days	4 per year	All nonresidential districts	Yes	See note 2 below
Farmer markets	2 days	30 per year	All nonresidential districts	Yes	None
Model home or real estate sales office	3 years	N/A	All districts	Yes	See note 3 below
Outdoor bazaars and retail sales, with temporary structure(s)	30 days	3 per year	All nonresidential districts	Yes	None
Outdoor sidewalk and retail sales, without temporary structure(s)	3 days	6 per year	All nonresidential districts	Yes	None
Temporary portable office	1 year	N/A	All districts	Yes	See note 4 below
Storage container, portable on demand	14 days	2 per year	All residential districts	No	See note 1 below
Storage container, portable on demand	60 days	2 per year	All nonresidential districts	No	See note 1 below
Yard sales	Noon Friday to noon Monday	3 per year	All residential districts	No	See section 8.2 of the Town of Jamestown Sign Regulations

NOTES:

1. Construction and storage containers. Construction and storage containers are not intended to be used for long-term on-site storage and any such use in any zoning district is expressly prohibited. Construction containers shall be allowed as a temporary use while a valid building permit is in effect for the construction project. Storage containers shall be allowed as a temporary use when in compliance with the following standards:

- Each container shall be in compliance with any applicable sign regulations.
- In residential districts, portable on-demand storage units may be located for a period of time not to exceed 14 consecutive days in duration from the time of delivery to the time of removal, up to two times per calendar year, provided they are placed in a location where sight visibility is not obstructed.
- In all non-residential districts, portable on-demand storage units may be located for a period of time not to exceed 60 consecutive days in duration from the time of delivery to the time of removal, up to two times per calendar year, provided they are placed on a paved surface and do not obstruct sight visibility. Further, these units shall be located in a manner which does not hinder access to the site or to off-street parking spaces. Multiple units may be used at one time and may be covered under one permit.

2. Event of public interest. An event of public interest is a special event involving the expected congregation of 100 or more persons at any one event. An event of public interest includes, but is not limited to: picnics, dinner dances, fund raisers, haunted houses, outdoor concerts, auctions, carnivals, fairs, tent revival meetings, and supervised public display of fireworks. An event of public interest shall be subject to the following standards:

- All activities and uses shall be limited to the dates and hours of operation specified in the permit.
- Traffic control shall be arranged by the operators of the event in accordance with the requirements of the Town of Jamestown and/or the Guilford County Sheriff's Office, as applicable.
- Public parking for the exclusive use of the facility/event shall be provided and a stabilized drive to the parking area shall be maintained. It is the responsibility of the operators to guide traffic to these areas. No parking shall be permitted on any road or public right-of-way except as allowed by the temporary use permit.
- The site shall be cleared of all debris within 24 hours after the closing of the event and cleared of all temporary structures within seven days after closing of the event.
- An approved public safety plan identifying the means by which public safety will be ensured during the conduct of the special event shall be required for an event of public interest. If the public safety plan is violated or if unforeseen circumstances arise that result in the special event becoming a threat to the public health, safety or welfare, authorized personnel from the Town of Jamestown and/or Guilford County Sheriff's Office shall have the right to order the event to be closed.

3. Model home or real estate sales office. A model home sales office shall be allowed within a new residential development of more than eight units or lots, subject to approval by the planning director as a temporary structure, subject to the following:

- There is no more than one temporary real estate sales office in the development.
- Model home sales office may be approved for a period of up to three years or when all units or lots are sold, whichever occurs first. This period may be extended for additional six-month periods, for good cause shown, upon approval

of a written request for such an extension by the Planning Director. The request shall be submitted to the Planning Director at least 30 days prior to the expiration of the special event/temporary use permit.

4. Temporary portable office. A temporary portable office may be placed on a property to serve as the following:

- Temporary offices for construction and security personnel during the construction of a development for which the Town of Jamestown has issued a zoning permit and for which Guilford County has issued a building permit.

5. Additional information regarding requirements for Special Events may be found in the Town of Jamestown's General Ordinances under "Special Events Ordinance", which was adopted separately from this Ordinance by the Town Council. Applicants for special events may be held to the standards set forth in both Ordinances concurrently.

ARTICLE 16
SUBDIVISIONS

16.1 Subdivision Regulations

16.1-1. Purpose.

The regulations for the subdivision of land set forth below are established to promote orderly growth and development; provide for suitable residential and nonresidential subdivisions with adequate streets and utilities and appropriate building sites, provide for the coordination of streets within subdivisions with existing or planned streets and with other public facilities; provide for the dedication or reservation of rights-of-way or easements for streets and utility purposes; and provide proper land records for the convenience of the public and for better identification and permanent location of real property boundaries.

16.1-2. Exempt land divisions.

(A) Divisions of land exempt. In accordance with N.C. Gen. Stat. sec. 160A-376, the following divisions of land are not included within the definition of "subdivision", and are not subject to the city's subdivision regulations:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Jamestown as shown in the Town's subdivision regulations;

(2) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town as shown in the Town's subdivision regulations.

(5) The subdivision or recombination of land by public utilities.

In case of a conflict between this description of exempt subdivisions and state law (N.C. Gen. Stat. sec. 160A-376, or any successor statute), state law shall control.

(B) Limits on exempt divisions of land. With respect to any single tract or parcel of land existing as a matter of record in the register of deeds as of the effective date of this ordinance, no more than one division exempted pursuant to subsection

(A)(4), above, shall be allowed within any five-year period. The purpose of this limitation is to prevent the unregulated subdivision of a tract of land through a series of exempt divisions; nothing herein shall prohibit the subdivision of land where the resultant lots conform with the Town's subdivision regulations.

(C) Planned communities. In accordance with the North Carolina Planned Community Act (Chapter 47F of N.C. Gen. Stat.), Planned communities are not included in the definition of "subdivision" and are not reviewed or recorded as such. Those developments meeting the criteria established by the Act will undergo a site plan review as described in Article 7 of this ordinance. Planned communities shall be reviewed against and held to those standards established for substantially similar developments and shall comply with the following standards established by the Act:

(1) Consist of more than 20 dwelling units or provides a declaration that the development is a planned community.
(2) Be exclusively residential.
(3) Establish a homeowners association.
(4) The developer shall demonstrate adequate provision for perpetual maintenance of the private infrastructure and common areas associated with the development by the homeowners' association.

(D) Determination and certification of exemption. The determination of whether a division of land is exempt from the definition of subdivision shall be made by the Planning Director, upon application of the property owner or agent, with supporting documentation (maps, plats, etc.), as needed. Upon a determination by the Planning Director that the proposed subdivision is exempt, a certificate of exemption shall be issued, and the subdivision shall not be subject to the Town's subdivision regulations.

(E) Effect of certification of exemption. Divisions of land found to be exempt from the definition of subdivision are not required to meet the Town's subdivision regulations. However, a building or zoning permit may only be issued with respect to a lot that has been created by an exempt division if said lot meets the standards for development set forth elsewhere in this ordinance. Where a regulation is contained both in this article and elsewhere in this ordinance, although the regulation need not be met prior to property division and recordation, the lot in question must comply with said regulation before a building or zoning permit may be issued for the property.

(F) Platting Required. A subdivision plat meeting the requirements of NCGS 47-30 shall be prepared for all exempt

subdivisions. The plat shall identify the subdivision as being exempt from the requirements of this ordinance and shall be submitted to the Planning Director for review. Following his/her review of the subdivision plat, the Planning Director shall sign it and provide a copy to the applicant. The signed plat shall be recorded by the Town of Jamestown in the office of the Register of Deeds of Guilford County within thirty (30) days of being signed by the Planning Director.

16.1-3. Coordination with Other Requirements.

When applications for other approvals are required for the subdivision, applications for these approvals may be submitted simultaneously with the initiation of the subdivision approval process to reduce the time required to secure all necessary approvals. Application forms as required for other approvals may be obtained from the Planning Director.

16.1-4 Submittal.

Applications for subdivision approval shall be submitted to the Planning Director and must include plats with all information as required by this ordinance. Application for subdivision shall be filed in accordance with Article 7 of this ordinance.

16.1-5. Approval Required.

(A) Date of compliance. After the effective date of this ordinance, no plat for the subdivision of land within the planning and regulation jurisdiction of the Town of Jamestown shall be filed, accepted for recording, or recorded, nor shall the clerk of superior court order the recording of a plat until it has been submitted to the Planning Director and approved as set forth herein. The signature of the Planning Director on the plat shall signify conformance with the requirements set forth in this chapter.

(B) No conveyance without approval. No real property lying within the planning and regulation jurisdiction of the Town of Jamestown shall be subdivided until it conforms with all applicable sections of this chapter. Violations of this article shall be subject to the penalties set forth in Article 23. Any sale or transfer of land in a subdivision subject to these regulations by reference to an unapproved plat or the use of a metes and bounds description shall be considered a violation of this chapter.

(C) Pre-sale contracts. The provisions of this section shall not prohibit any owners or its agent from entering into contracts to sell or lease by reference to an approved preliminary plat for which a final plat has not yet been properly approved under the subdivision ordinance or recorded with the register of deeds, provided the contract does all of the following:

(1) Incorporates as an attachment a copy of the preliminary plat referenced in the contract and obligates the owners to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.

(2) Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary plat.

(3) Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.

(4) Provides that if the approved and recorded final plat differs in any material respect from the preliminary plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than 15 days after the delivery of the final recorded plat, during which 15-day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this section shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary plat for which a final plat has not been properly approved under the subdivision ordinance or recorded with the register or deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction or residential buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the register of deeds. (G. S. 160A-375(b))

16.1-6 Designation of approval agency.

The Town of Jamestown Planning Department is designated as a planning agency for the purposes of N.C. Gen. Stat. sec. 160A-373. The Planning Director or his/her designee shall be authorized to sign the plat signifying final approval of subdivisions.

16.1-7 Violations.

Violations of the provisions of this section shall be subject to the enforcement and penalty provisions set forth in article 23 of this ordinance. In addition to being subject to the provisions for enforcement in Article 23 of the Ordinance, any person who, being the owner or agent of the owner of any land located within the Town's jurisdiction, subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from these penalties. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the courts shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. Building permits required pursuant to G. S. 160A-417 may be denied for lots that have been illegally subdivided. In addition to other remedies, the Town may institute any appropriate action or proceedings to prevent the unlawful subdivision of land, to restrain, correct, or abate the violation, or to prevent any illegal act of conduct. (G. S. 160A-375 (a))

16.1-8 Dedication and acceptance of public areas.

(A) Rights-of-way and easements. The approval of a final plat constitutes dedication but does not constitute acceptance by the Town of Jamestown of the public of the right-of-way of each public street and easement shown on the plat. The approval of a plat does not constitute acceptance for maintenance of other improvements in the right-of-way such as street paving, utility lines, drainage facilities or sidewalks. When located within the corporate limits of the Town of Jamestown, such dedications may be accepted only by resolution of the Jamestown Town Council or by their designee following inspection and approval to ensure compliance with specifications established by the Town or by the Town exercising control over and maintaining these areas. Until the offer of dedication is accepted by the Town in either of these manners, the developer shall be responsible for maintenance of those areas.

(B) Open space. Land designated as public open space or a park on a plat shall be considered to be offered for dedication, but not accepted until the Jamestown Town Council, or their designee, has by express action done so. Until such dedication has been accepted, such areas may be used for open space purposes by its owner or by an association representing owners of lots within the

subdivision. Land so offered for dedication shall not be used for any purpose inconsistent with the proposed public use without the approval of the Jamestown Town Council.

(C) Sites for public facilities. Where a school or other public site is shown on an approved plat recorded with the Register of Deeds, the site shall either be dedicated for public purpose at the option of the property owner or reserved for acquisition by the Guilford County School Board for a period not exceeding 18 months from the date of approval of the preliminary subdivision plan.

16.1-9 Required improvements.

Improvement requirements shall be fulfilled or guaranteed before a final plat shall be approved by the Planning Director for recording. Said improvement requirements are listed in Appendix 16 , checklist for Final Plat Approval:

(A) Street and utility construction.

(1) Plans. Construction plans for all street, sidewalk, water, sanitary sewer, and stormwater facilities shall be submitted to the Town of Jamestown concurrent with preliminary plat approval. The street and utility construction plans for each subdivision, or portion thereof, shall include all improvements lying within or adjacent to the subdivision as well as improvements to all streets and water and sanitary sewer lines lying outside the subdivision which provide service to the subdivision. No final plat shall be approved or a Certificate of Occupancy issued until all improvements have been installed and approved or a guarantee accepted.

(2) No construction without plan approval. No improvement to or new construction of street, sidewalk, water, sanitary sewer, and stormwater facilities shall be permitted until the street and utility construction plans for such improvements/construction have been reviewed and approved by the Town of Jamestown and appropriate governmental agencies. These agencies may include, but shall not be limited to, the Division of Water Quality of the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Transportation, and the Division of Environmental Management of the North Carolina Department of Environment and Natural Resources, or their successors.

(3) Inspection of construction. All construction undertaken pursuant to approved street and utility construction plans shall be inspected and approved by the Town of Jamestown and/or the appropriate governmental agencies.

(B) Guarantee in lieu of construction of improvements. In lieu of completion of construction of the required improvements and utilities prior to final plat approval, the property owner may:

(1) Submit to the city a performance bond from a corporate surety, licensed in North Carolina to execute such bonds; or

(2) Provide an irrevocable letter of credit payable to the Town of Jamestown; or

(3) Deposit or place in escrow a certified check or cash in an amount determined by the Town. Portions of the security deposit may be released as work progresses; or

(4) Enter into an agreement with the Town guaranteeing the completion of the required work, the agreement to be binding on subsequent purchasers of the property and to be recorded at the option of the Town. The agreement shall provide that satisfactory security be furnished guaranteeing the completion of the necessary improvements before each section is developed

The performance bond or irrevocable letter irrevocable letter of credit shall be in an amount equal to a minimum of 110% and up to a maximum of 150 percent of the estimated cost of the installation of the required improvements, as determined by the Town. The performance bond, letter of credit or surety shall be from a corporate surety, licensed in North Carolina to execute such bonds and having a "Superior or Excellent" rating by Standard & Poor, Moody's, Fitch, or A.M. Best. The performance bond or the irrevocable letter of credit shall secure the completion of construction of the improvements shown on the approved preliminary plat. The letter of credit or bond shall remain in full force and effect until such time as the construction of improvements and installation of utilities are completed and accepted by the Town of Jamestown. Failure to maintain the required bond or irrevocable letter of credit shall result in the revocation of the approval of the preliminary plat and any permits issued as a result of the preliminary plat approval. The bond or irrevocable letter of credit shall be automatically renewed unless all parties agree not to renew it at least sixty (60) days prior to its scheduled expiration date.

A temporary construction easement permitting the Town of Jamestown or its designee(s) to access the property for the purpose of constructing/installing the guaranteed improvements may be required (at the Town's discretion) to be provided with the performance bond, irrevocable letter of credit, or other form of guaranty. The temporary construction easement shall be valid until all guaranteed improvements have been constructed/installed and approved or accepted by the Town. The temporary construction easement shall pass to all successive owners until the guaranteed improvements have been constructed/installed and approved or accepted by the Town. Said temporary construction easement shall

be recorded at the County Register of Deeds, with recording fees to be paid by the applicant/landowner.

(C) Failure to perform. Failure to initiate construction of the improvements within one year of the date the bond, letter of credit, or escrow agreement was accepted by the Town of Jamestown shall result in the Town, at its sole discretion, constructing the improvements, with the cost to be paid from the letter of credit, bond, or escrow account. The surety or the financial institution holding the escrow account shall, if requested by the Town pay all or any portion of the bond or escrow fund to the Town up to the amount needed to complete the improvements based on an estimate by the Town. The Town at its discretion may spend such portion of said funds as deemed necessary to complete all or any portion of the required improvements. The Town shall return to the developer any funds not spent in completing the improvements. Default on a project does not release the developer from responsibility for the completion of the improvements. The Town may release a portion or all of any security posted as the improvements are completed and approved by the Town. In the event that the amount of the letter of credit, bond, or escrow account on hand is insufficient to pay for the completion of the improvements, the property owner shall pay to the Town of Jamestown the total amount of the insufficiency. If the Town is not paid, the amount of the insufficiency shall constitute a lien on the property in favor of the Town.

16.1-10. Maintenance of common areas.

Where subdivisions have common areas or facilities serving more than one dwelling unit, the developer shall be responsible for the maintenance of these common areas and facilities. This responsibility may be transferred to another entity, provided the developer prepares a document for recordation showing the transfer of the property and the maintenance responsibilities to a successor. A copy of the recorded document must be provided to the Planning Director. In such case, the successor shall be responsible for the maintenance of the common access and facilities.

16.1-11. Association Documents.

Prior to the approval of the final plat for a subdivision, all documents related to the creation and operation of the homeowners association, property owners association, and/or any other association created for and/or by the developer, home owners, or property owners of the proposed subdivision shall be submitted to the Town of Jamestown for review and approval. These documents may include but not be limited to the articles of incorporation for the association, the homeowners association documents, the property owners association documents, and design standards. The purpose of the review is to ensure that the documents do not contain standards, requirements, or other provisions that conflict with

ordinances, regulations, and/or standards of the Town of Jamestown. The Town shall not be responsible for enforcement of the homeowners association documents.

16.1-12. Recordation of final plat.

A final plat must be recorded by the Town of Jamestown in the office of the register of deeds for Guilford County in accordance with the process outlined in Article 7 of this Ordinance.

16.1-13. Modifications.

Modifications to the standards for subdivisions as set forth in this ordinance may be granted in accordance with the procedures sets forth below. Any subdivision for which a modification is requested shall be reviewed as a major subdivision.

(A) Approval authority. Modifications to the standards for subdivisions found in Article 16 of this ordinance and access standards found in Article 2 as they relate to subdivisions shall be reviewed by the Town of Jamestown Technical Review Committee. Requests for variances from other requirements of this ordinance shall be heard by the Board of Adjustment under the procedures established by Article 6 of this ordinance.

(B) Grounds for modifications. Modifications from the standards for subdivisions set forth in this ordinance may be granted in cases of physical hardship. Cases of physical hardship shall be defined as those cases where because of the topography of the tract to be subdivided, the condition or nature of adjoining areas, or the existence of other unusual physical characteristics, strict compliance with the provisions of this ordinance would cause unusual and unnecessary hardship on the subdivision of the property by property owner or developer. In granting the modification, the Technical Review Committee shall make the findings required below, taking into account the nature of the proposed subdivision, the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No modification shall be granted unless the Technical Review Committee finds:

(1) That there are special circumstances or conditions affecting the property such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land; and

(2) That the modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner; and

(3) That the circumstances giving rise to the need for the modification are peculiar to the parcel and are not generally characteristic of other parcels in the Town; and

(4) That granting the modification will not be a detriment to public health, safety and welfare or injure other property in the area in which the property is located.

(5) That the alternative proposed by the applicant will result in equal or better performance than that provided by the standard for which the modification is requested.

Any modification thus granted by the Technical Review Committee shall be recorded in the minutes of the meeting at which the modification is granted along with the reasons for the modification.

(C) Conditions. The Town of Jamestown Technical Review Committee, in granting modifications, may require such conditions as will ensure the purposes of the standards or requirements waived.

(D) Filing of application. An application for modification of the standards set forth in this ordinance shall be submitted to the Planning Director and shall provide all information requested by the Planning Director.

16.1-14. Phased development.

Subdivisions may be designed to be platted and constructed in phases. A plan for phased development must be approved by the Technical Review Committee. The plan for phased development shall provide for the provision of adequate public facilities to support each and any phase independent of the overall subdivision plan. Access and water supply for fire protection shall be present to the extent required by the North Carolina Fire Prevention Code. In approving the phases, the TRC may require that additional streets, water and sewer facilities, or other required public facilities be constructed as part of the phase or phases to ensure that sufficient public facilities will be in place to support each phase or phases independent of any future subdivision development. Final plats for subdivisions developed in phases shall be recorded in accordance with the schedule presented by the applicant during the preliminary plat approval and approved as part of the preliminary plat approval process. The applicant may request, in writing, adjustments of the approved schedule and the Planning Director may grant extensions of up to 12 months for each phase. If the final plat for any phase of the subdivision is not submitted in accordance with the approved schedule, the preliminary plat shall be resubmitted to the Planning Department for review and approval. Such resubmittal shall be in accordance with the requirements of this ordinance.

16.2. Subdivision Standards.

16.2-1. General.
All proposed subdivisions shall comply with the standards set forth below.
16.2-2. General Requirements and Compliance with Adopted Plans.
Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed. Land shall also be subdivided in compliance with the zoning standards set forth in Article 8 of this Ordinance and with other adopted plans and ordinances. In addition, where land lies within the area of a public water supply reservoir, a proposed highway project or other public project designated by a governmental authority, subdividers shall give notice on the face of the final subdivision plat that land within the subdivision lies within a designated area for public development and may be the subject of future public purchase.
16.2-3. Lot dimensions and standards.
The size, shape, and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated. Lots shall be designed in shape, size and location with due regard to topographic conditions, features of the surrounding area, contemplated use, and official plans and ordinances and shall conform to the following:

(A) Conformance to other regulations. Every lot shall have sufficient area, dimensions, and street access to permit a principal building to be erected thereon in compliance with all Town ordinances.

(B) Area and dimensions of lots. All lots shall conform to the minimal dimensional requirements for each zoning district as prescribed in Article 8 and with the lot type standards found in Article 9 of this Ordinance.

(C) Frontage**.** Every lot shall front or abut on a public street, with the exception that there can be up to four lots created off of a private drive, where such private drive meets or exceeds the Town of Jamestown's Private Drive Standards set forth in the Town of Jamestown's Standards and Specifications Manual. There shall be no reserve strips controlling access to streets except where cause can be shown that such control would best serve the purpose of this Ordinance.

(D) Lot lines and drainage. Lot boundaries shall be made to coincide with natural and pre-existing manmade drainage ways to the extent practicable to avoid the creation of lots that can be built upon only by altering such drainage ways.

(E) Double and reverse frontage. Double frontage and reverse frontage lots shall be avoided, except where required in unusual circumstances specifically approved by the Technical Review Committee.

(F) Lot boundaries. Lot boundaries must be contiguous with street right-of-way boundaries and shall not extend to the

center of public streets. Land to be subdivided which has existing property lines extending into street rights-of-way or into streets shall dedicate a street right-of-way as required by the Town of Jamestown's Standards and Specifications Manual for that section of the street located on or adjacent to the property being subdivided.

(G) Side lot lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines

(H) Buildable area. Lots or parcels shall not be unreasonably shaped and shall be made to contribute to the buildable area of a lot. Portions of a lot less than 15 feet wide shall be excluded from the minimum lot area. Additionally, portions of a lot that are less than 26 feet wide and longer than 25 feet will be excluded from the minimum lot area.

(I) Block dimensions. Blocks shall be laid out taking into consideration traffic circulation patterns and contemplated use.

1. Length. Blocks shall be not less than 400 feet nor more than 1,600 feet in length, except as considered necessary to secure efficient use of land or desired features of street pattern by the Technical Review Committee. Where deemed necessary by the Technical Review Committee, a pedestrian crosswalk of at least eight feet in width shall be provided.
2. Widths. Blocks shall be wide enough to allow two tiers of lots of minimum depth, (reference Zoning standards, Article 8, and Lot Type standards, Article 9), except where fronting on major streets is prevented by topographic conditions, in which case a single tier of lots may be approved. Block width standards do not apply to subdivisions proposed as part of a cluster development (see Article 8.)

(J) Lots on thoroughfares. Residential lots in subdivisions shall not be entered from major thoroughfare streets.

(K) Access requirements for all lots. Each lot in a subdivision shall meet the access standards set forth in this ordinance and in the Town of Jamestown Standards and Specifications Manual.

(L) Lot area calculation. Areas in the public right-of-way shall not be used to calculate compliance with minimum lot size requirements.

(M) Flag lots. Flag lots shall be permitted subject to the following standards:

1. The minimum flagpole (strip connecting the bulk of the lot to the street) width shall be 25 feet.

2. The maximum flagpole (strip connecting the bulk of the lot to the street) length shall be 200 feet.
3. The area of the flagpole (strip connecting the bulk of the lot to the street) shall not be used in calculating minimum lot area, setbacks, or other dimensional requirements for the zoning district in which the lot is located.
4. Not more than 5% of the total number of lots in a subdivision or development shall be flag lots.

16.2-4. Landscaping and buffering. Landscaping shall be provided in the proposed subdivision as required by Article 11 of this Ordinance. Preservation of existing trees is encouraged.

16.2-5. Open space. Open space as required by Article 11 of this Ordinance and other applicable ordinances and regulations of the Town of Jamestown shall be provided in the proposed subdivision.

16.2-6. Streets and utilities. All streets and utilities must comply with the requirements of all other applicable plans and manuals adopted by the Town of Jamestown, including, but not limited to, the Town of Jamestown Standards and Specifications Manual.

16.2-7. Street design. The design of all public streets and roads within the Town of Jamestown shall conform to standards set forth in the Town's Standards and Specifications Manual. (The Town's standards meet or exceed the standards set forth in the most recent edition of "Minimum Construction Standards for Subdivision Roads" published by the N.C. Department of Transportation, Division of Highways.) Where permitted, private streets must also be constructed to the Town of Jamestown design standards. Disclosure and approval by the Division of Highways shall comply with G.S. 136-102.6.

(A) Cul-de-Sacs. Cul-de-sacs or other dead end streets designed to be permanently closed are strongly discouraged and can only be used when it is not feasible to connect to an existing or future street. Cul-de-sacs shall not exceed 800 feet in length depending on topography, shall be provided at the closed end with a right-of-way radius and a turn around radius meeting or exceeding the standards set forth in the Town of Jamestown Technical Standards and Specifications Manual, and shall have pedestrian connections at the terminus, where practicable. Pedestrian connections shall be a minimum of 5' in width and shall be constructed so as to encourage pedestrian connectivity between parts of a subdivision. The Technical Review Committee may grant modifications to these requirements on a case by case basis, with the reasons stated in writing.

(B) Continuation of Adjoining Street System. The proposed street layout shall be coordinated with the street system of the surrounding area. Where possible, existing principal

streets shall be extended.

(C) Stub Streets. Where the property to be subdivided abuts another property that, in the opinion of the Planning Director, could be subdivided in the future, the proposed street layout shall include a right-of-way, meeting the Town's standards for width and grade, which connects the streets in the subdivision to the abutting property. This right-of-way shall be preserved for the construction of a future street providing access to the abutting property. The subdivider shall be responsible for placing a sign(s) within the right-of-way of the stub street stating that it is the location of a future street. Such sign(s) shall be approved by the Planning Director before being placed in said right-of-way.

16.2-8. Naming of streets and subdivisions. All streets shall be named, and signs conforming to Town standards shall be posted at intersections showing the name of every street. New streets which are obviously in alignment with others already exist and named shall bear the names of the existing streets where practical. In no case shall the names of new streets phonetically resemble existing street names. Streets shall be named in accordance with the standards for street naming established by Guilford County and must be approved by Guilford County's emergency address coordinator. All subdivisions requiring the development of new public roads must be named. Subdivision names or identification shall not duplicate or closely approximate phonetically the names of existing streets and subdivisions in the Town of Jamestown or its area of jurisdiction and must be approved by Guilford County's emergency address coordinator. The minimum identification requirement is that a sign clearly showing the name of the subdivision be posted at the main entrance to the subdivision.

16.2-9. Street construction - property owners' participation. The Town of Jamestown will not accept or adopt any new street, nor will it pave or assist in the construction or pavement of any new street other than streets shown on the map of the streets of the Town of Jamestown known as the Powell Bill Map except upon the payment of the full cost and expense of construction or of construction and pavement, as the case may be, and such cost and expense must by actually paid or amply secured (see section 16.1-9(B)) before the Town will take any action.

16.2-10. Utility easements. All subdivision plats shall identify easements for the installation of utilities as follows:

(A) Major subdivisions. An appropriate easement, of the width required by the utility company/agency, shall be provided for utilities including, but not limited to, electric service, telephone service, cable television service, sewer lines, and waterlines within the subdivision. The location of the easements and the physical relation of all utilities within the easement shall be approved by the Town of Jamestown,

in consultation with the utility providers, prior to final plat approval. Placement of all utilities in a common easement is encouraged when such placement does not conflict with these requirements or others.

(B) Minor subdivisions. Utility easements shall be provided as required by the approving agency.

16.2-11. Water supply for fire protection.

(A) Water supply for fire protection shall be provided as required by the North Carolina Fire Prevention Code.

(B) Size, type, and installation of hydrants shall conform to the specifications set forth in the North Carolina Fire Prevention Code.

(C) The maximum distance between fire hydrants shall be 500' measured by right angles along identified travel way(s).

16.2-12. Stormwater management.

(A) Design of the stormwater management system shall be consistent with the Town of Jamestown's stormwater regulations, as contained in the Watershed Standards (Article 19 of this Ordinance).

(B) The stormwater management system design shall comply with the specifications set forth in the stormwater section of Jamestown's Standards and Specifications Manual.

16.2-13. Flood standards.

(A) All subdivision proposals within the Town of Jamestown corporate limits and extraterritorial jurisdiction shall be consistent with the requirements of the city's flood protection regulations set forth in section ____ of this ordinance and with the need to minimize flood damage.

(B) All subdivision proposals shall have the public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(C) Adequate drainage shall be provided to reduce exposure to flood hazards.

(D) Base flood elevation data shall be provided for subdivision proposals whenever any portion of the project site is located within a designated flood hazard area.

(E) Preliminary and final plats shall note the location of floodplain and floodway boundaries and the 100-year flood elevation.

(F) If there is a water course or dry branch running through or within 150 feet of the proposed subdivision, the prospective subdivider shall furnish evidence that residential lots within the subdivision will not be flooded. Lots located in flood plains shall comply with the flood prevention standards set forth in Article 18.

16.2-14. Buffer Strips – Streams. Buffer strips shall be provided along streams as

required by the Watershed Regulations set forth in Article 19 of this ordinance.
16.2-15. Eectrical utilities. Electrical lines shall be installed underground unless inconsistent with flood protection requirements.
16.2-16. Placement of monuments. The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when conducting surveys.

ARTICLE 17
SIGN REGULATIONS.

17.1 Title

This Article shall be known and may be cited as the "Town of Jamestown Sign Regulations."

17.2 Applicability and Purpose

This Article applies to all signage erected in the Town of Jamestown and its extraterritorial jurisdiction. The purpose of this ordinance is to ensure the installation of safe and effective signage that promotes both business activity and the aesthetic character of the Town and its extraterritorial jurisdiction, as well as communicating essential information to the public. The following statements elaborate on this purpose:

- To provide opportunities for neighborhoods and commercial endeavors to be identified in an effective and equitable fashion.
- To promote public safety by reducing hazards associated with distracting or excessive signage.
- To establish and promote enhanced community character through signage that is reflective of the historic nature of the Town and its scale of development.
- To promote the integration of signage with the architectural characteristics and aesthetic quality of the Town's development.
- To provide for flexibility in amount, type and scale of signage depending on the context of the development and the surrounding area.
- To facilitate efficient, thorough, consistent and effective enforcement of the sign regulations.

17.3 Definitions.

Please see definitions in Article 3 of this Ordinance.

17.4 Applicability

Except as specifically exempted in this ordinance, no sign shall be erected, altered or displayed without a sign permit issued by the Town of Jamestown confirming compliance with the provisions of this ordinance. Signs made nonconforming by this ordinance shall be grandfathered until altered, abandoned, relocated, or removed.

17.5 Prohibited Signs

The following signs are specifically prohibited by this ordinance.

- Snipe signs.
- Signs attached to light fixtures, curbs, sidewalks, gutters, streets, utility poles, public buildings, fences, railings, public telephone poles, or trees.
- Windblown signs not specifically permitted in this Article such as pennants, streamers, spinners, balloons, inflatable figures, and similar signs.
- Signs which prevent free ingress to or egress from any door, window, or fire escape.
- Signs erected or displayed in such a manner as to obstruct free and clear vision at any location, street, intersection, or driveway.
- Any sign which interferes with vehicular or pedestrian traffic as a result of its position, size, shape, movement, color, fashion, manner, or intensity of illumination, including signs with the potential to be confused with any authorized traffic sign, signal, or device.
- Signs erected or displayed on or over public rights-of-way or other public property, other than those erected by governmental agencies or for which appropriate encroachment agreements have been executed pursuant to this ordinance.
- Portable signs, except as specifically permitted herein.
- Signs that move or flash or have moving or flashing components, except as permitted under Section 6 below; signs that are intermittently lighted or have changing colors; signs that revolve; or any other similarly constructed signs.
- Signs attached to the roofs of buildings or are otherwise located above the roofs of buildings.
- Signs carried by or attached to people, including costumes worn for the purpose of attracting commercial attention.
- Off-premises signs, including outdoor advertising signs, except those placed by governmental agencies for public purposes and yard sale and open house signs that are displayed as specifically permitted herein. The exception being that existing off-premises billboard signs that are non-conforming may be disassembled and replaced with a newer structure upon

approval by the Planning Director. The new signage shall be designed to result in no expansion of or increase in the non-conformity; shall not allow replacement with a digital sign; shall not exceed 30' in height; shall be designed to limit lighting to the sign face; and shall be designed to enhance the architectural features of adjacent buildings. Color renderings or photographic simulations shall be submitted to the Planning Director, who shall have the authority to deny permits for signs that do not meet the intent of this Ordinance.

17.6 Exempt Signs

The following signs are exempt from the requirements of this ordinance although, in some instances, building permits may required, such as an electrical permit for a machine sign or a time and temperature sign.

- Warning and security signs, including signs placed by a public utility for the safety, welfare, or convenience of the public, including, but not limited to signs identifying fire department connections or high voltage, public telephone, or underground cables.
- Government signs and signs for non-profit organizations sponsored by governments including insignia, legal notices, informational, directional, and traffic signs. This exemption shall not include permanent and temporary signs covered in section 17.8 of this Article but may include signs or flags erected on public property or private property immediately proximate to public property to commemorate public holidays recognized by the Town such as the Fourth of July.
- "No Dumping" and "No Trespassing" signs containing less than two square feet in area per sign face.
- Signs placed inside ball fields and outdoor amphitheaters that face toward the interior of the field or amphitheater and are primarily intended for viewing by persons attending events of performances.
- Accent lighting, as defined herein, provided that not more than two architectural elements are accented per occupancy (e.g., two windows or a window and a roofline, etc.).
- Signs associated with a fundraising event of short duration (3 days or less) for a nonprofit or charitable organization such as a student car wash or a service organization broom or bake sale provided such events happen six or less times per calendar year on a particular premises.
- Incidental signs containing no more than two square feet in area provided that not more than a total of six square feet of incidental signage is displayed per occupancy. Incidental signs that display solely the word "open" may flash provided they are located inside a building and no more than one such sign is displayed per occupancy.

Example of Incidental Signs

- Machine signs containing no more than six square feet in area, except drive-through menu kiosk machine signs may contain up to 12 square feet in area provided the portion of the signs devoted to a logo or business name contains no more than 25% of the total sign area.

Example of Machine Signs

- Menus displayed at restaurants provided they contain no more than four square feet in area.
- Model home signs provided not more than one such sign is displayed in a subdivision and such sign contain no more than six square feet in area.
- Signs attached to donation bins.
- Any traffic sign, public notice or warning required by a valid and applicable federal, state, or local law, regulation, approved development plan, or ordinance, including traffic control signs on private property.

- Address signs no greater than five square feet in area. Address signs in excess of five square feet in area shall be counted toward the area of signage permitted for attached or freestanding signs depending on placement.
- Retail store window displays of merchandise.
- Signs attached to vehicles provided the vehicles are not parked in such a manner as to create the effect of additional signage, whether on-premises or off-premises.
- Political signs containing no more than six square feet in area in residential districts and no more than 24 square feet in area in nonresidential or mixed use districts, provided that no more than one sign per candidate or issue is displayed per zone lot frontage and such signs are erected no more than 30 days prior to the applicable election and removed no more than seven days after the applicable election.
- Signs attached to umbrellas provided no more than 25% of the total area of the umbrella is devoted to signage.
- One real estate sign per property street frontage containing no more than six square feet in area in residential districts and no more than 24 square feet in area in nonresidential or mixed use districts.
- One construction/financing sign per property street frontage for development projects under active building permits containing no more than six square feet in area in residential districts and no more than 24 square feet in area in nonresidential or mixed use districts provided they are removed after the applicable permit is no longer active due to completion of permitted work or permit expiration. If combined with a real estate sign, the total exempt sign area may be increased to 32 square feet.

Example of a Combined Construction/Financing and Real Estate Sign

- Flags of the United States, the State of North Carolina, Guilford County or the Town of Jamestown provided that they do not exceed 40 square feet in area, that they are displayed on flagpoles not exceeding 30 feet in height, that no more than one flag is displayed on a zone lot of less than one acre in size and not more than two flags are displayed on zone lots of

one acre or more in size, and that all flagpoles are setback at least the height of the flagpole from all property lines. Flagpoles may be roof or wall-mounted provided size, height and setback requirements as established in this exemption are met.

- One home occupation sign per approved home occupation, not to exceed four square feet in area, and which must be attached to the building.
- Holiday lights and decorations with no commercial message provided that such lights and decorations are not displayed for longer than a total of 60 days per calendar year in any nonresidential or mixed use zoning district.

- Signs for "temporary businesses" such as, but not limited to, produce stands, street vendors, and vendors at special events that shall operate for a specified time period, not to exceed 7 consecutive days, are exempted**.** If the business is a recurring operation, such as produce stands that operate on weekends or on select days during the week, then said "temporary business" shall comply with the regulations set forth in this Ordinance; the exception being that the Planning Director may permit "temporary businesses" to use banners and temporary signage that comply with the standards and intent of this Ordinance to be used as signage, provided that the business puts the sign up at the start of the business day and takes it down at the close of each business day.

17.7 Design and Dimensional Requirements for Permanent Signs Requiring a Permit.

17. 7-1 Requirements for signs extending over pedestrian and vehicular travel areas. Signs extending over pedestrian and vehicular travel areas shall maintain a minimum clear distance between the ground and any portion of the sign and its associated support structure of nine and 14 feet respectively.

17.7-2 Permanent sign requirements. The following tables and text provide the design and dimensional requirements for permanent signs that require a permit. Requirements include area, number, type of illumination, and letter height for both attached and freestanding signs. Setback and height requirements are established for freestanding signs and detailed design requirements are provided for monument and pole signs. Additionally:

- Only one general attached sign (blade, V-type, or flat) is allowed per street or parking frontage.

- Only one monument or pole freestanding sign is allowed per street frontage.

- Height of freestanding signs shall be measured from the elevation of the ground at the point of contact with the sign provided that the grade of the site is not artificially altered to increase the allowable height of the sign. For sloping sites, the applicable point of contact shall be the point having the highest elevation.

- The following permanent special purpose signs are allowed in addition to general attached and freestanding signs under the limitations provided in the following tables and elsewhere in this Article.
    - Window.
    - Directional.
    - Directory.
    - Awning.
    - Canopy.
    - Community identification.
- Time and temperature signs are allowed as either attached or freestanding signs provided they are incorporated into the general or attached signage allowed for a nonresidential property, no more than one such sign is allowed per property, the message is limited to time and temperature information and changes no more frequently than once every five seconds, and the area of the time and temperature sign does not exceed 16 square feet. The square footage allowance constitutes an area bonus in addition to the maximum allowable area for the applicable sign type.
- Changeable copy signs are allowed as either attached or freestanding signs provided they are incorporated into the general or attached signage allowed for a nonresidential property, not more than one such sign is allowed per occupancy, the sign message changes no more frequently than once every 4 hours for manually and mechanically changing signs and once every 15 seconds for digitally changing signs. Digitally changing signs are allowed only on properties zoned CIV. Unlike time and temperature signs, no area bonus is allowed for changeable copy signs.

Sign Type	Sign Area Allowance (sq ft)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements
Permanent Attached Signs – General					

Blade (or Projecting)		32	Ambient External Internal	6”	One per street or parking frontage per occupancy	Only one sign (blade, V-type or flat sign) allowed per occupancy per street or parking frontage One square foot of signage for each one square foot of occupancy frontage up to the maximum allowed Internally-illuminated signs – not more than 50% of sign face can be illuminated No attached signage above second story. Wall signs may exceed the 32 SF requirements up to a maximum of 5% of the wall façade size (square footage).
V-type						
Flat (or Wall)						

Sign Type		Sign Area Allowance (sq ft)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements
Permanent Attached Signs – Special Purpose						
Window		8	Ambient	N/A	One per each 100 square feet of display or doorway window area or fraction thereof	A maximum allowance of three signs per street or parking frontage per occupancy
Directional	 	4 12*	Ambient External Internal	4”	N/A	Not more than 25% of sign face shall contain a logo or commercial message *Only allowed for signs placed above a common entrance shared by multiple tenants of the same building; one sign per entrance
Directory		4	Ambient External	N/A	One per street or parking frontage per building	

Awning		6	Ambient	4”	One per street or parking frontage per awning	Not more than two awning signs per occupancy per street or parking frontage.
Canopy		16	Ambient Internal	6”	One per canopy*	Properties fronting on more than one street may have one canopy sign per street frontage

Sign Type		Sign Area Allowance (sq ft)	Max. Sign Height	Sign Illumination	Minimum Letter Size	Maximum Number	Minimum Setback from Property Line(s)	Other Requirements
Permanent Freestanding Signs – General and Special Purpose								
Monument		48	8’	Ambient External Internal	6”	One per street frontage having access to the site	5 ft	Monument signs shall comply with the design requirements of section 7.3
Pole		32	10’	Ambient External Internal		One per street frontage providing access to the site	10 ft	Pole signs shall comply with the design requirements of section 7.4
Community Identification		32	6’	Ambient		One per each gateway or primary entrance	0 ft*	Shall comply with design requirements for monument signs
Directory		16	6’	Ambient External Internal	4”	One per street frontage having access to the site	25 ft	Only allowed for sites with multiple buildings Shall not be displayed so as to

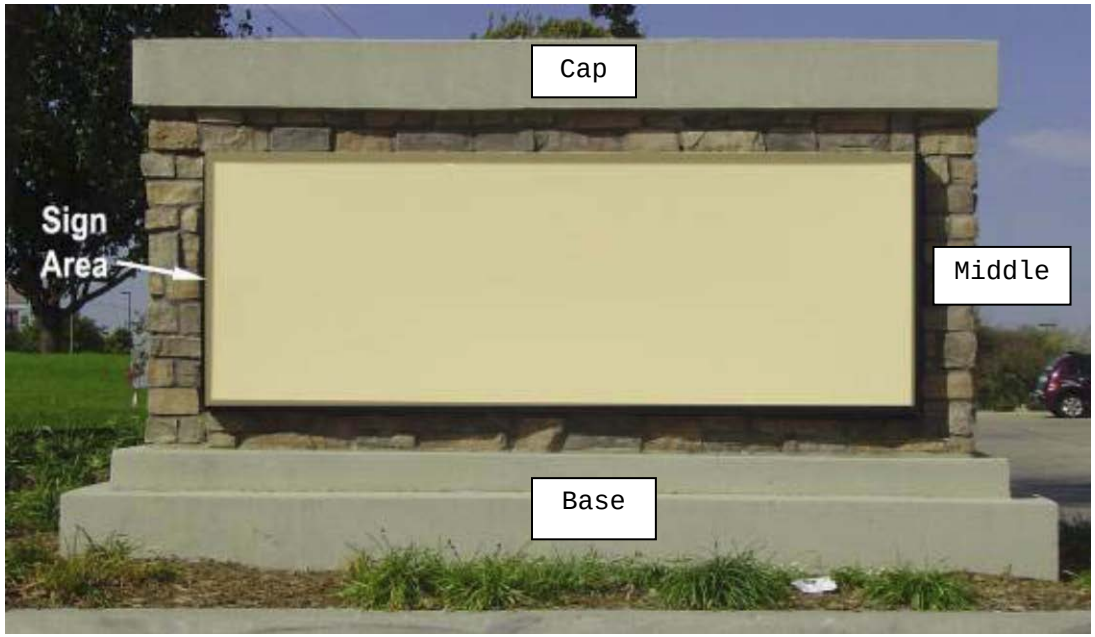
								be prominently visible from off-site locations
Directional		3	3’	Ambient External Internal	4”	Two per each driveway access to the site	0 ft*	Not more than 25% of sign face shall contain a logo; no other commercial message is allowed

*May encroach into adjoining street right-of-way pursuant to an encroachment agreement.

17.7-3 Monument sign design requirements. Monument signs are intended to serve a wider range of aesthetic and architectural purposes than pole signs. Consequently, the following design requirements are established for monument signs.

(A) General design requirements and sign area measurement for monument signs. As in traditional building design, monument signs shall be designed to include a base, middle, and cap. The following illustration shows a monument sign having these architectural characteristics, as well as how sign area is to be measured on a monument sign.

Monument Sign Design Elements



(B) Sign structure materials. In general, monument sign structures should be constructed of materials that are similar to or complementary to the principal building(s) on the premises where they are located. Only the following materials shall be used in monument sign structure construction, singly or in combination:

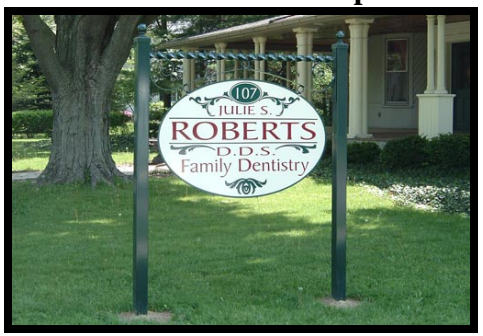
- Brick, painted or unfinished
- Wood
- Concrete or stucco
- Natural stone or manufactured stone having a natural appearance
- Metal
- Glass

(C) Sign copy materials. Sign copy materials for monument signs shall include the sign structure materials listed above. For internally illuminated monument sign copy, acrylic may be utilized, provided not more than 50% of the sign face is illuminated.

17.7-4 Pole sign design requirements. The following design requirements are established for pole signs.

(A) General design requirements. Pole signs in Jamestown have traditionally been supported by two posts or suspended from a single post as shown in the following illustrations. Pole signs shall use one of these two forms of design.

Examples of Allowable Types of Pole Signs



(B) Materials. In general, pole signs should use materials that complement the principal building(s) on the premises where they are located. The following materials are acceptable for use in pole signs, singly or in combination:

- Wood
- Metal
- Brick, painted or unfinished
- Concrete or stucco
- Natural stone or manufactured stone having a natural appearance

17.8 Temporary Signs

The following tables provide the design, dimensional, and time of display requirements for temporary signs. Additionally: Nonconforming temporary signs shall not be grandfathered (see section 17.12 of this Article).

17.8-1 Requirements for temporary signs that require a permit.

The temporary signs listed in the following table require a permit and shall comply with the indicated zoning location and other requirements. All such signs, with the exception of searchlights, shall be illuminated solely by ambient light sources.

Temporary Sign Type	Allowable Zoning Districts	Requirements
Sandwich board signs	MS, MSP, C/MST, TND	One sign per occupancy having direct access onto any public or private sidewalk where sign is placed. "Direct access" shall mean an occupancy having a public entrance immediately from the sidewalk where the sign is placed. See additional sandwich board sign requirements in section 8.3 below.
Banners and flags	All commercial and mixed use districts	Up to 60 square feet of banner materials or one flag not exceeding 3 ft. by 5 ft. in size per occupancy may be attached to an occupancy space. Display time limit: 21 days, four times per calendar year with a 60 day separation between permits. Flags and banners may not be used simultaneously. Religious organizations and non-profits may be allowed to display banners up to 6 times a year, with a minimum separation of one week between permits.
Grand opening or going out of business signs		Up to 60 square feet of banner materials may be attached to an occupancy space. Display time limit: 21 days; one time in the same calendar year when the business opens or closes.
Special event signs		One tethered balloon or searchlight to be located on-premises and displayed for not more than three consecutive days once per calendar year. Tethered balloons and searchlights shall conform to all applicable FAA regulations. Joint special event signage for three or more commercial or non-profit occupancies may be approved by the Planning Director for theme-based special events. Such events shall not exceed seven days in duration or a cumulative total of 60 days per calendar year per occupancy with a 14 day minimum separation between permits. Event participants shall submit an application which outlines the types of signage desired and where such signage is proposed to be located. The Planning Director may meet with applicants on-site to determine acceptable locations for signage placement. Signage shall be consistent with the event theme and shall not exceed 60 sq. ft. per occupancy; however, accent balloons may also be displayed, with a maximum number of 12 balloons per occupancy.

17.8-2 Requirements for temporary signs that do not require a permit.

The temporary signs listed in the following table do not require a permit and shall comply with the indicated zoning location and other requirements. All such signs shall be illuminated solely by ambient light sources.

Temporary Sign Type	Allowable Zoning Districts	Requirements			
		Number	Display Frequency	Size (sq. ft.)	Other Requirements
Open house signs (Real estate sales only)	All districts	Up to three signs per event	May be displayed only between the hours of 12:00 PM (noon) Friday and 12:00 PM the following Monday.	6	May be displayed off-premises on private property with the permission of the property owner. May be freestanding or attached. If freestanding, shall not exceed three feet in height. If attached, shall not be attached to any tree or other vegetation, post, utility pole, wall, or other structure except the building containing the event.
Yard sale signs			May be displayed only between the hours of 12:00 PM (noon) Friday and 12:00 PM the following Monday. No more than three events per zone lot per calendar year.		

17.8-3 Additional requirements for sandwich board signs.

Sandwich board signs offer businesses in pedestrian-oriented zoning districts and effective and creative way to market products or services. However, unless carefully regulated, sandwich board signs can create hazards for pedestrians and a cluttered and unattractive appearance. The following design standards are established to permit sandwich board signs to be utilized in a fashion which meets community safety and design expectations, as well as the need for businesses to market their products and services.

- Sandwich board signs shall not exceed four feet in height and 30 inches in width.

- Four feet of sidewalk clearance shall be provided along at least one side of the sign to allow for unobstructed pedestrian access.
- Sandwich board signs are intended to inform and orient pedestrians to business locations and available products and services. Consequently, such signs shall be placed in close proximity to the public entrance to the occupancy with which they are associated and shall be oriented to communicate information primarily to pedestrian traffic utilizing the sidewalk on which they are located as opposed to vehicular traffic utilizing nearby public or private streets or private drives and parking areas.
- Sandwich board signs shall be moved to an indoor location for storage during times when the associated businesses are not open for customers.
- Standard design for sandwich board signs. Sandwich board signs shall be located in frames constructed of black anodized aluminum, black wrought-iron, or wood which has been painted black, as illustrated in the following photographs. Plastic, PVC, or other similar materials shall not be used as the frame. The display area within the frame shall be constructed of durable metal or wood if containing permanent messages; such permanent messages shall be applied to the display area with paint, metal or durable vinyl or shall consist of carved wood or cut metal lettering or images. Sandwich board signs containing changeable message display areas may be constructed of chalkboard style materials, durable plastic (such as a “dry erase” board), or similar materials, provided the display area background is either black, dark green or white in color and that the changeable message is applied using erasable chalk or erasable ink in a handwritten application. Unless otherwise specified, a muted color palette shall be used for any background or message, including lettering and images.

Example of Standard Sandwich Board Sign Frame

- Alternative design for sandwich board signs. As an alternative to the standard design described above, the planning director may permit alternative sandwich board sign designs which exhibit a distinctive and creative flair which the owner would otherwise be unable to replicate if the standard frame design was used. Such signs shall not contain changeable copy and images and lettering shall be permanently attached, painted, cut or carved onto the sign using a muted palette of colors. Wooden signs are preferred, but all such signs shall be made of durable materials. An example of an acceptable alternative design is illustrated in the following photograph.

Example of Alternative Sandwich Board Sign

17.9 Signs Located in Local Historic Districts.

Regardless of the other dimensional provisions of this Article, signs that are located in local historic districts shall be governed by the applicable design guidelines and review processes established for the local historic district.

17.10 Master Sign Plan

Regardless of the other provisions of this Article, the Town Council may, at its sole discretion, approve a master sign plan for specified areas of Town or for certain development projects listed in this section. The approved master sign plan may include signs of different sizes, types, locations, placement and height from those otherwise enumerated in this Article.

17.10-1 Purpose. The purpose behind this section is to permit creativity in sign design and placement to address site issues and constraints associated with topography, pedestrian-orientation, way-finding and other conditions unique to the subject development or area of Town.

17.10-2 Application. Master sign plans may be submitted for the following types of developments:

(A) Traditional Neighborhood Development projects.

(B) Commercial, institutional, industrial, or mixed use developments containing three or more acres in area.

(C) Areas of Town that are governed by a corridor plan or area plan that includes sign guidelines.

17.10-3 Submittal process. Master sign plan applications may be submitted for consideration at the time of original submittal of the proposed development or separately from the original development proposal. The following information or material shall be required for a signage plan application and shall be indicated on an application form provided by the planning director.

(A) Owner and contact name, address, telephone number and signature(s), as applicable.

(B) A master sign plan proposal illustrating the proposed signs, their proposed location, and their proposed purpose, along with a statement as to why the existing sign code cannot or should not be followed in the subject case.

(C) An analysis showing how the proposed signage plan differs from what could be provided under the existing sign regulations set forth in this Article.

(D) Other similar information determined by the planning director to be necessary for understanding the purpose and intent of the proposed master sign plan application.

17.10-4 Review procedure. The planning director shall schedule the master sign plan for Planning Board and Town Council consideration in accordance with the notice and public hearing procedures set forth in Article 5 for zoning map

amendments. The protest petition provisions of Article 5 shall not apply to master sign plan hearings. In reviewing the proposed master sign plan, the Planning Board and Town Council shall take the following matters into consideration.

(A) The extent to which the proposed master sign plan deviates from the sign allowances otherwise applicable in this Article.

(B) The rationale provided by the applicant for the deviations.

(C) The extent to which the master sign plan promotes Town goals associated with community character, way-finding, pedestrian-orientation, and business identification.

(D) The degree to which the master sign plan creatively and effectively addresses the issues and constraints unique to the site with regard to signage.

The Planning Board shall provide a recommendation to the Town Council whether to deny or approve the proposed master sign plan in part or in total and shall further recommend conditions regarding approval where deemed warranted.

The Town Council may deny or approve the proposed master sign plan in part or in total and may establish conditions regarding approval. In the event that the master sign plan is denied, the applicant must wait at least 365 days before reapplying for a new master sign plan substantially similar (as defined in Article 3) to the proposed master sign plan.

17.11 Permitting

Applications for sign permits and the associated fee schedule may be obtained from the Planning Director. Completed applications, including payment of fees, shall be reviewed for compliance with the requirements of this ordinance and may be approved, approved with conditions, or denied by the Planning Director.

Signs requiring sign permits under the provisions of this ordinance may also require additional permits, including building permits and electrical permits. It shall be the responsibility of the applicant to obtain all applicable permits.

17.12 Nonconforming Signs

A permanent sign which does not comply with one or more of the requirements of this Article shall be grandfathered until such sign is removed, physically altered beyond maintenance (as defined), relocated, damaged or destroyed, after which it shall be brought into compliance with all requirements of this Article. An exception shall be made for signs which must be relocated as the direct result of

a governmental action (such as, but not limited to, the acquisition of street right-of-way, eminent domain action, or installation of infrastructure). Such an exception will be subject to review by the Planning Director, who will work to help property owners bring their signs into compliance. If no reasonable alternative exists, the Planning Director may allow a sign to be *relocated* to an acceptable location *on the same property*. Signs which are permitted to be relocated *shall not be altered in such a manner to constitute a change in the sign. Changes in the sign beyond maintenance as defined shall result in the sign being brought into compliance. Appeals may be made to the Board of Adjustment per the procedure in this Land Development Ordinance.* Nonconforming temporary signs shall not be grandfathered and shall be brought into compliance with all requirements of this Article within 60 days from September 16, 2008.

17.13 Abandoned Signs

Signs identifying an abandoned occupancy or use shall be considered abandoned signs and shall be removed by the owner of the property on which they are located. Failure to remove an abandoned sign shall be considered a violation of this ordinance. In addition, correction of an abandoned sign violation may include removal of the abandoned sign or signs by the Town at the owner's expense after proper notice of the violation and failure to act by the owner within the timeframe established in the notice of violation.

17.14 Maintenance

All signs, including exempt signs, shall be maintained in a satisfactory state of repair. This shall include, without limitation, correction of peeling or faded paint, repair or replacement of damaged panels, trimming of vegetation that obscures the sign(s), replacement of defective lighting of illuminated signs, secure attachment to the building for attached signs, and stable vertical alignment of freestanding signs.

17.15 Administration, Enforcement and Interpretation.

The Planning Director shall be responsible for the administration, enforcement and interpretation of these sign regulations. Decisions and interpretations made by the planning director may be appealed to the board of adjustment in accordance with the appeal provisions of the board. Enforcement action taken by the Planning Director shall not be appealable to the Board of Adjustment; appeals of enforcement actions are reviewable in Guilford County Superior Court.

Enforcement action taken by the Planning Director shall be proactive and/or complaint-based except for exempt signs and window signs in which case enforcement shall be complaint-based. In no case shall violations of this ordinance be considered a criminal offense.

17.15-1 General enforcement. Except for snipe signs, a violation of the sign regulations shall be enforced as provided below.

(A) Notice of violation. The Planning Director shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to correct the violation within 30 days after receipt of the notice of violation.

(B) Failure to comply with a notice of violation. Any person who fails to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of two hundred dollars ($200.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. The decision of the Planning Director to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested or by any means authorized under G.S. 1A-1, Rule 4.

(C) Appeal to Superior Court. Every decision of the Planning Director to assess a civil penalty shall be subject to review by the Guilford County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the clerk of Superior Court within 30 days after the decision of the Planning Director to assess a civil penalty.

(D) Failure to Appeal and/or Pay. Any civil penalty assessed a person who violates the provisions of Article VII shall be recovered by the Town in a civil action in the nature of a debt, to be brought in the Guilford County Superior Court if the violator fails to give notice of timely appeal and fails to pay the penalty within the prescribed period of time after he or she has been cited for the violation.

17.15-2 Snipe sign enforcement. Snipe signs constitute a particular hazard to public safety due to their tendency to create distracting visual clutter and litter; consequently, for the purposes of this Article, snipe signs are regarded as a nuisance and the illegal placement of snipe signs shall be enforced as provided below.

(A) Confiscation. The Planning Director or any agent of the Director or Town is hereby authorized to remove or confiscate any snipe sign visible from a public roadway that is located within the required setback of the zone lot on which the sign is located or 30 feet from the edge of a road or street, whichever is less, regardless of whether such sign is situated within the right-of-way or beyond it. Confiscated signs shall be stored in a secure facility for not less than seven days, after which they may be disposed of. Within the seven day period after confiscation, any

responsible party, as described herein, shall have the right to request a hearing before the planning director to present evidence as to why his/her sign(s) may have been erroneously confiscated. The Planning Director shall postpone disposal of the subject confiscated sign(s) and shall schedule the requested hearing within 30 days and shall render a decision with regard to erroneous confiscation within 10 days after the hearing.

(B) Responsible parties. For the purpose of snipe sign enforcement, the following parties shall be regarded as having joint and severable responsibility with regard to illegal placement of snipe signs.

- The record owner of the property on which the snipe sign is located.
- The entity or person identified in the sign.
- The person placing or affixing the sign.

(C) Civil penalties. Civil penalties of $200 for each snipe sign determined to be in violation of the regulations of this Article may be imposed on any and all responsible parties by the Planning Director in accordance with the following notice and compliance provisions:

(1) First violation. The Planning Director shall send a warning/education letter to the responsible party or parties explaining Town regulations pertaining to snipe signs and providing a list of penalties for violations thereof.

(2) Second violation or failure to comply with the warning/education letter. The Planning Director shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to correct the violation within 48 hours after receipt of the notice of violation.

(3) Failure to comply with the notice of violation. Any responsible party or parties who fail to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of two hundred dollars ($200.00) for each snipe sign determined to be in violation of the regulations of this Article. A civil

penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. The decision of the Planning Director to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested or by any means authorized under G.S. 1A-1, Rule 4. Civil penalties so imposed may be appealed to the Guilford County Superior Court in accordance with the provisions of section 17.15-1(C) above. Failure to appeal and/or pay the civil penalty shall be treated as a debt in accordance with the provisions of section 17.15-1(D) above.

17.16 Design Guidelines

In addition to the mandatory standards provided in sections17.7 and 17.8 above, the following design guidelines for signs are provided in order to promote more attractive and functional design and placement of signs.

- Freestanding signs. Placement of freestanding signs should take into account existing trees and other site landscaping so as to maintain sign visibility. Landscaping around the base of freestanding signs is strongly encouraged to improve the overall appearance and visibility of these sign types as evidenced in the following example.

Landscaping Around the Base of a Monument Sign

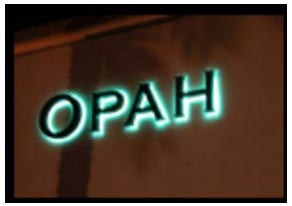
- Display windows are intended to offer opportunities to display merchandise or services available on the premises. Careful placement of signs in display windows will not obscure the visibility of merchandise or services. Additionally, display windows should not be “papered-over,” especially in pedestrian areas.

- General design guidelines. The following general guidelines are provided to guide overall sign design in the Town:

  - Use high quality, durable materials.
  - Minimize the need for sign lighting by placing signs where ambient light sources illuminate the sign. Where separate lighting is necessary, external illumination sources are preferred over internal illumination. All electrical conduit and junction boxes should be concealed.

Externally Illuminated Sign

  - Backlit, individual letter signs (aka, halo lighting) are encouraged where illumination is needed as illustrated below.



Backlit Individual Letters

  - Avoid elaborate or confusing styles of text as illustrated in the following example.

Overly-Complicated Style of Text

- Attempt to use symbols rather than text; for example, this Norwegian pharmacy sign incorporates a symbol as well as text.

Use of Symbols

- Use sign styles and designs that complement the architecture of the site where the signs are located. Jamestown is an historic town so using “period” signage is strongly encouraged.

An Example of a "Period" Pole Sign in a New York City Suburb

ARTICLE 18
FLOOD DAMAGE PREVENTION

18.1 Introduction

18.1-1 Purpose. It is the article of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

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

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

(C) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;

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

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

18.1-2 Objectives. The objectives of this article are:

(A) Protect human life and health;

(B) To minimize expenditure of public money for costly flood control projects;

(C) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(D) To minimize prolonged business losses and interruptions;

(E) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets and bridges) that are located in flood prone areas;

(F) To help maintain a stable tax base by providing for the sound use and development of flood prone area; and

(G) To ensure that potential buyers are aware that property is in a Special Flood Hazard area.

18.1-3 Definitions. Definitions may be found in Article 3 “Definitions”.

18.-2 Flood Damage Prevention

18.2-1 Statutory Authorization.

(A) The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter143; Parts 3, 5 and 8 of Article 19 Chapter 160A; and

Article 8 of Chapter 160, of the North Carolina General Statues, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the Town Council of the Town of Jamestown, North Carolina, has adopted this Article 18, Flood Damage Prevention, as part of the Town's Land Development Ordinance.

18.2-2 Legal Status Provisions.

(A) Effect on Rights and Liabilities under the Existing Flood Damage Prevention Ordinance: This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted on March 4, 1980, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of the Town of Jamestown enacted on March 4, 1980, as amended, which are not reenacted herein are repealed. The date of the initial flood damage prevention ordinance for Guilford County is as follows: **June 4th, 1980.**

(B) Effect upon Outstanding Floodplain Development Permits: Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

18.2-3 Findings of Fact.

(A) The flood prone areas within the jurisdiction of Town of Jamestown are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

18.2-4 General Provisions.

(A) Lands to Which this Ordinance Applies: This Ordinance shall apply to all areas of Special Flood Hazard Areas within the Town of Jamestown, including Extra-Territorial Jurisdictions (ETJs). Bona fide farms are not exempt from the provisions of this Ordinance regulating development in floodways and flood plains as required for participation in the National Food Insurance Program.

(B) Basis for Establishing the Areas of Special Flood Hazard: The special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study and its accompanying Flood Insurance Rate Maps (FIRM), for Guilford County, date June 18, 2007 which are adopted by reference and declared to be a part of this ordinance.

18.2-5 Establishment of Floodplain Development Permit. A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Section 18-2.4 (B) of this ordinance.

18.2-6 Compliance. No structure or land shall hereafter be located, extended, converted, altered or developed in any way without full compliance with the terms of this ordinance and other applicable regulations. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail. In the interpretation and application of this ordinance, all provisions shall be:

(A) considered as minimum requirements;

(B) liberally construed in favor of the governing body; and

(C) deemed neither to limit nor repeal any other powers granted under State statutes.

18.3 Warning and Disclaimer of Liability

The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This Article does not imply that land outside the areas of the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This Article shall not create liability on the part of the Town of Jamestown or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision

lawfully made hereunder.

18.4 Flood Plain Development Application, Permit and Certification Requirement

18.4-1 Application for Permit. On a property containing area of Special Flood Hazard, application for a Flood Plain Development Permit shall be made in accordance with 18-4.2 (Floodplain Development Permit).

18.4-2 Floodplain Development Permit

(A) Application Requirements: Application for a Floodplain Development Permit shall be made to the floodplain administrator prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and there development;

b. The boundary of the special flood hazard area as delineated on the firm or other flood map as determined in this section, or a statement that the entire lot is within the special flood hazard area;

c. Flood zone(s) designation of the proposed development area as determined on the firm or other flood map as determined in Section 18.2-4(B)

d. The boundary of the floodway(s) or non-encroachment area(s) as determined in Section 18.2-4(B);

e. The base flood elevation (BFE) where provided as set forth in Sections 18.2-4(B) or 18.6;

f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development;

g. Certification of the plot plan by a registered land surveyor or professional engineer.

(2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

b. Elevation in relation to mean sea level to which any non-residential structure in Zone AE or A will be flood-proofed; and

c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(3) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

b. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Section 18.5-1(D)3., when solid foundation perimeter walls are used in Zones A, AE, and A1-30;

(5) Usage details of any enclosed areas below the regulatory flood protection elevation.

(6) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

(7) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

(8) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Section 12-5.6(B) of this ordinance are met.

(9) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(B) Permit Requirements. The Floodplain Development Permit shall include, but not be limited to:

(1) A description of the development to be permitted under the floodplain development permit.

(2) The Special Flood Hazard Area determination for the

proposed development per available data specified in Section 18-2.4(B).

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(4) The regulatory flood protection elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(7) The flood openings requirements, if in Zones A, AE, or A1-30.

(8) Limitations of below BFE enclosure uses (if applicable). (i.e., Parking, Building Access and Limited Storage only).

18.4-3 Certification of Floor Elevation/Floodproofing.

(A) Certificate of Floor Elevation/Flood proofing. When a property is located in a flood hazard area or when a structure is flood proofed, a certificate shall be provided in accordance with Section 12-4.2(A) (Certificate of Floor Elevation/Flood proofing).

(B) Elevation Certificates

1. An Elevation Certificate (FEMA Form 81-31) is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder prior to the beginning of construction. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit.

2. An Elevation Certificate (FEMA Form 81-31) is required after the reference level is established. Within seven (7) calendar days of establishment of the reference level elevation, it shall be the duty of the permit holder to submit to the floodplain administrator a certification of the elevation of the reference level, in relation to mean sea level. . Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder’s risk. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being permitted to proceed. Failure to submit the certification or

failure to make required corrections shall be cause to issue a stop work order for the project.

3. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(C) Floodproofing Certificate. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(D) If a manufactured home is placed within Zone A, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Section 18.5-.3(B).

(E) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

(F) Certification Exemptions. The following structures, if located within Zone A, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (A) and (B) of this subsection:

(1) Recreational Vehicles meeting requirements of Section 18.5-(6)B.;

(2) Temporary Structures meeting requirements of Section 18.5-(7)B.; and

(3) Accessory Structures less than 150 square feet meeting requirements of Section 18.5-8(B).

18.5 Provisions for Flood Hazard Reduction

18.5-1 Provisions for Flood Hazard Reduction.

(A) General Standards: In all Special Flood Hazard Areas the following provisions are required:

1. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
2. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
3. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
4. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), water heaters, and electric outlets/switches.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
7. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
8. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.

9. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.

10. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Section 12-7.2(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Section 18.4-C of this ordinance.

11. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

12. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

13. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

14. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

15. Permitted Uses. The following uses shall be permitted below flood protection elevation within the floodway fringe zone to the extent that they are otherwise permitted by this Ordinance:

a) Any use as permitted and regulated in the floodway zone.

b) Fill material graded to drain, provided such is protected against erosion. Any fill material on which a structure is to be located shall be extended at grade ten (10) feet beyond the limits of the structure foundation, and shall have a side slope no steeper than two (2) feet horizontal to one (1) foot vertical.

(B) Specific Standards: In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Section

18.2-3(B), or Section 18.9, the following provisions, in addition to Section 12-5(A), are required:

1. Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 12-5(A) of this ordinance.

2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 3 of this Ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Section 12-4.2(A), along with the operational and maintenance plans.

(C) Manufactured Homes.

1. New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 12-4.2(A) of this ordinance.

2. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

3. All enclosures or skirting below the lowest floor shall meet the requirements of 18.5-2.

4. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the floodplain administrator and the local Emergency Management coordinator.

(D) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

1. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
2. shall be constructed entirely of flood resistant materials to the top of any enclosure below the lowest floor;
3. shall include, in Zones A, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;

i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural

status, is considered an enclosure and requires flood openings as outlined above.

(E) Additions/Improvements.

1. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more nonconforming than the existing structure.

ii) A substantial improvement, the existing structure and the addition and/or improvements must comply with the standards for new construction.

2. Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.

3. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:

i) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.

ii) A substantial improvement, the existing structure and the addition and/or improvements must comply with the standards for new construction.

(F) Recreational Vehicles. Recreational vehicles shall either:

1. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or

2. Meet all the requirements for new construction.

(G) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;

1. A specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;

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

3. The time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane

or immediately upon flood warning notification);

4. A copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and

5. Designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.

(H) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

1. Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

2. Accessory structures shall not be temperature-controlled;

3. Accessory structures shall be designed to have low flood damage potential;

4. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

5. Accessory structures shall be firmly anchored in accordance with Section 18.5-1(A)

6. All service facilities such as electrical shall be installed in accordance with Section 18.5-1(A)4.

7. Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Section 18.5.

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Section 18.4-2.

18.5-2 Reserved

18.6 Standards for Streams Without Base Flood Elevation

18.6-1 Standards for Floodplains without Established Base Flood Elevation.

(A) Within the Special Flood Hazard Areas designated as Approximate Zone A and established in Section 18.2-3(B), where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Section 18.2, shall apply:

No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(B) The BFE used in determining the regulatory flood protection elevation shall be determined based on one of the following criteria set in priority order:

1. If Base Flood Elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Section 18.9-2.
2. All subdivision, manufactured home park, and other development proposals shall provide Base Flood Elevation (BFE) data if development is greater than five (5) acres or has more than fifty (50) lots/manufactured home sites. Such Base Flood Elevation (BFE) data shall be adopted by reference per Section 12.9-2 to be utilized in implementing this ordinance.
3. When Base Flood Elevation (BFE) data is not available from a Federal, State, or other source as outlined above, the reference level shall be elevated to or above the regulatory flood protection elevation, as defined in Article 3.

18.7 Standards for Riverine Floodplains with BFE but Without Established Floodways or Non-Encroachment Areas.

Along rivers and streams where BFE data is provided but neither floodway nor non-encroachment areas are identified for a Special Flood Hazard Area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- Standards outlined in Sections 18.2-3(B); and
- Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

18.8 Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Section 18.2-3(B). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Sections 18.2-3(A) (B), shall apply to all development within such areas:

18.8-1. No Encroachment. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:

(A) The proposed encroachment would not result in any increase in the

flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or

(B) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.

18.8-2. Compliance with Flood Hazard Reduction Provisions. If Section 18.8-1 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

18.8-3. Requirements for Manufactured Homes. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(A) The anchoring and the elevation standards of 18.5-3(B); and

(B) The no encroachment standard of Section 18.8-1.

18.9 Standards for Areas of Shallow Flooding (Zone AO).

Located within the Special Flood Hazard Areas established in 18.2-3 (B), are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to 18.5-1, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

- The reference level shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of two (2) feet, above the highest adjacent grade; or at least four (4) feet above the highest adjacent grade if no depth number is specified.
- Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in 18.4-2 so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with applicable sections of this ordinance.
- Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

18.10 Corrective Procedures

18.10-1 Violations to be Corrected. When the Floodplain Administrator finds violations of applicable State and local laws; it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.

18.10-2 Actions in Event of Failure to Take Corrective Action. If the

owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(A) That the building or property is in violation of the floodplain management regulations;

(B) That a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(C) That following the hearing, the Floodplain Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.

18.10-3 Order to Take Corrective Action. If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

18.10-4 Appeal. Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the Floodplain Administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

18.10-5 Failure to Comply with Order. If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

18.11 Variance Procedures

18.11-1 The Board of Adjustment as established by Town of Jamestown, hereinafter referred to as the "Board of Adjustment", shall hear and decide requests for variances from the requirements of this ordinance.

18.11-2 Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.

18.11-3 Variances may be issued for:

(A) The repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(B) Functionally dependent facilities if determined to meet the definition as stated in Article 3I of this ordinance, provided provisions of 18.11-4 have been satisfied, and such facilities are protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(C) any other type of development provided it meets the requirements of this Section.

18.11-4 In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

(A) the danger that materials may be swept onto other lands to the injury of others;

(B) the danger to life and property due to flooding or erosion damage;

(C) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(D) the importance of the services provided by the proposed facility to the community;

(E) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependent facility, where applicable;

(F) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(G) the compatibility of the proposed use with existing and anticipated development;

(H) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(I) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(J) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(K) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

18.11-5 A written report addressing each of the above factors shall be submitted with the application for a variance.

18.11-6 Upon consideration of the factors listed above and the purposes of this

ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes and objectives of this ordinance.

18.11-7 Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

18.11-8 The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

18.11-9 Conditions for Variances.

(A) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

(B) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.

(C) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(D) Variances shall only be issued prior to development permit approval.

(E) Variances shall only be issued upon:

1. a showing of good and sufficient cause;

2. a determination that failure to grant the variance would result in exceptional hardship; and

3. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

18.11-10 A variance may be issued for solid waste disposal facilities or sites, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

(A) The use serves a critical need in the community.

(B) No feasible location exists for the use outside the Special Flood Hazard Area.

(C) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.

(D) The use complies with all other applicable Federal, State and local laws.
(E) The Town of Jamestown has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

18.12 Flood Control Appeals

12.12-1 Authority. The Board of Adjustment shall hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance.

18.12-2 Appeal and Variance Considerations. In passing upon such applications, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

(A) the danger that materials may be swept onto other lands to the injury of others;
(B) the danger to life and property due to flooding or erosion damage;
(C) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
(D) the importance of the services provided by the proposed facility to the community;
(E) the necessity to the facility of a waterfront location, where applicable;
(F) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(G) the comparability of the proposed use with existing and anticipated development;
(H) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
(I) the safety of access to the property in times of flood for ordinary and emergency vehicles;
(J) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
(K) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
(L) the effect that granting the appeal or variance would have on the jurisdiction's eligibility for Federal Flood Insurance.

18.13 Designation of Floodplain Administrator

The Planning Director, or his/her designee, hereinafter referred to as the “Floodplain Administrator” or “Enforcement Officer”, is hereby appointed to

administer and implement the provisions of this ordinance.

18.14 Enforcement Officer

18.14-1 Establishment of Enforcement Officer. The Governing Body shall appoint an Enforcement Officer to administer and enforce the provisions of this Ordinance. The Enforcement officer may be provided with such agents to assist in the administration and enforcement as the governing Body directs.

18.14-2 Enforcement Procedure. When the Enforcement Officer or his agent finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

18.15 Notice of Violation.

If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Enforcement Officer shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service or by posting notice of the violation conspicuously on the property:

- That the land, building, sign, structure, or use is in violation of this Ordinance;
- The nature of the violation, and citation of the section of this ordinance violated; and
- The measures necessary to remedy the violation.

18.15-1 Appeal. Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Enforcement Officer to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) within fifteen (15) days following the date of the Notice of Violation. The Board of Adjustment, or other designated board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Enforcement Officer in the Notice of Violation shall be final.

18.15-2 Order of Corrective Action. If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

18.15-3 Failure to Comply with an Order. If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been

taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 8-4 (Remedies). If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

18.15-4 Penalties For Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this Article 18 or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than $50.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Jamestown from taking such other lawful action as is necessary to prevent or remedy any violation.

18.16 Flood Hazard Administrator and/or Enforcement Officer Duties

An Enforcement Officer, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance. The Floodplain Administrator shall perform, but not be limited to, the following duties:

18.16-1 Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.

18.16-2 Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.

18.16-3 Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

18.16-4 Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

18.16-5 Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 18.6-1 & 18.6-2 are met.

18.16-6 Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Section 18.4.

18.16-7 Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Section 18.4.
18.16-8 Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Section 18.2.
18.16-9 When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Sections 18.4 & 18.5.
18.16-10 Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article.
18.16-11 When Base Flood Elevation (BFE) data has not been provided in accordance with Section 18.5, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, including data developed pursuant to Section 18.6, in order to administer the provisions of this ordinance.
18.16-12 When Base Flood Elevation (BFE) data is provided but no floodway nor nonencroachment area data has been provided in accordance with Section 18.6, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisionsof this ordinance.
18.16-13 When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development mpermit file.
18.16-14 Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.
18.16-15 Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
18.16-16 Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed

to the person doing the work. The stop work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop work order constitutes a misdemeanor.

18.16-17 Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.

18.16-18 Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

18.16-19 Follow through with corrective procedures of Section 18.8-1.

18.16-20 Review, provide input, and make recommendations for variance requests.

18.16-21 Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 18.6-2(A) (2) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

18.16-22 Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

ARTICLE 19
WATERSHED PROTECTION ORDINANCE

SECTION 1: GENERAL PROVISIONS

19.1 TITLE

This ordinance shall be officially known as "The Jamestown Watershed Protection Ordinance", but it may also be referred to as "The Phase II Stormwater Ordinance." It may be furthermore be referred to herein as "this ordinance."

19.2 PURPOSE AND AUTHORITY

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of issues related to increased stormwater runoff and nonpoint and point source pollution, buffer protection, and illicit discharges into municipal stormwater systems. It has been determined that proper management of construction-related and post-*development* stormwater runoff, illicit discharges, and buffer protection will minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. This ordinance also applies to all properties within the Town of Jamestown and its extraterritorial jurisdiction, regardless of whether the property is currently being "developed" or not.

The Town Council of the Town of Jamestown is authorized to adopt this ordinance pursuant to North Carolina law, including but not limited to Article 14, Section 5 of the Constitution of North Carolina; North Carolina General Statutes 143-214.7 and rules promulgated by the Environmental Management Commission thereunder; Session Law 2004-163; Chapter 160A, §§ 174, 185; as well as Chapter 113A, Article 4 (Sedimentation Pollution Control); Article 21, Part 6 (Floodway Regulation); Chapter 160A, Article 19 (Planning and Regulation of Development); Chapter 153A, Article 18; Article 19, Part 4, Chapter 160A; G.S. 160A-372 (Open Space).

19.3 FINDINGS

It is hereby determined that:

Development and *redevelopment* alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, soil erosion, stream channel erosion, nonpoint and point source pollution, and sediment transport and deposition, as well as reducing groundwater recharge;

These changes in stormwater runoff contribute to increased quantities of water-borne pollutants and alterations in hydrology that are harmful to public health and safety as well as to the natural environment; and

These effects can be managed and minimized by applying proper design and well-planned controls to manage stormwater runoff from *development* sites.

Further, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal Phase II Stormwater Rules promulgated under it, as well as rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements, compel certain urbanized areas, including this jurisdiction, to adopt minimum stormwater controls such as those included in this ordinance.

Therefore, the Town of Jamestown Town Council establishes this set of water quality and quantity regulations to meet the requirements of state and federal law regarding control of stormwater runoff and discharge.

19.4 SPECIFIC

This ordinance seeks to meet its general purpose through the following specific objectives and means:

1. Establishing decision-making processes for *development* that protect the integrity of watersheds and preserve the health of water resources;

2. Requiring that new *development* and *redevelopment* maintain the pre-*development* hydrologic response in their post-*development* state as nearly as practicable for the applicable design storm to reduce flooding, streambank erosion, nonpoint and point source pollution and increases in stream temperature, and to maintain the integrity of stream channels and aquatic habitats;

3. Establishing minimum post-*development* stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

4. Establishing design and review criteria for the construction, function, and use of *structural stormwater BMPs* that may be used to meet the minimum post-*development* stormwater management standards;

5. Encouraging the use of better management and site design practices, such as the use of vegetated conveyances for stormwater and the preservation of greenspace, riparian buffers and other conservation areas to the maximum extent practicable;

6. Establishing provisions for the long-term responsibility for and maintenance of *structural and nonstructural stormwater BMPs* to ensure that they continue to function as designed, are maintained appropriately, and pose no threat to public safety;

7. Establishing administrative procedures for the submission, review, approval and disapproval of *stormwater management plans*, for the inspection of approved projects, and to assure appropriate long-term maintenance.

8. Coordinating site design plans that include open space and natural areas with the Town of Jamestown Land Development Ordinance and the 2020 Comprehensive Land Development Plan, and any other plans as adopted by the Town of Jamestown.

9. Controlling illicit discharges into the municipal separate stormwater system.

10. Controlling erosion and sedimentation from construction activities.

11. Assigning responsibility and processes for approving the creation and maintenance of adequate drainage and flood damage prevention measures.

19.5 APPLICABILITY AND JURISDICTION

19-5.1 General. Beginning with and subsequent to its effective date, this ordinance shall be applicable to all properties in the Town of Jamestown and its extraterritorial jurisdiction, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection (19-5.2) of this Section, Exemptions. Properties need not be "under development" to be subject to the standards of this ordinance.

19.5-2 Exemptions.The following are exempt from the requirements of this Article. The exemption shall not be construed to permit uses prohibited in the underlying zoning district, or otherwise prohibited by this Ordinance.

(A) Lots of record of less than twenty thousand (20,000) square feet existing on October 1, 1993, in all watersheds except Randleman Lake Watershed, where the effective date is January 1, 2000. Lots of record less than 1 acre which were existing prior to the effective date of the watershed ordinance (July 1, 1993 in all watersheds except Randleman, where the effective date is January 1, 2000), are not part of a larger common plan of development, and are impacted by

permanent easements or rights-of-way which render the “effective” lot size less than 20,000 sq. t. of developable area may qualify for the exemption as described.

(B) The construction or modification of one single-family dwelling and its accessory structures on a zone lot provided it is located outside Watershed Critical Area (WCA) Tier 1 within the City Lake and Oakdale Reservoir Watersheds or outside Watershed Critical Area (WCA) Tiers 1 and 2 within the Randleman Lake Watershed.

(C) The construction of one two-family dwelling and its accessory structures(s) on a zone lot in the City Lake and Oakdale Reservoir Watersheds provided a sedimentation and erosion control plan is not required and provided it is located outside Watershed Critical Area (WCA) Tiers 1 and 2.

(D) Replacement of existing built-upon area (BUA) on a lot developed with a like or lesser amount of new BUA, at the same location, or at a different location on the same zone lot if the Planning Director has determined that equal or better water quality will result.

(E) Exemption to the Plan Submission Requirements of this Article

The placement of small accessory buildings or structures or small amounts of other built-upon area on a lot developed with a nonresidential or multifamily use, provided that the total built-upon area added after the effective date of this Ordinance, is no greater than six hundred (600) square feet and provided that less than one acre of land is disturbed shall be exempt from the plan submission requirements of this Article. This exempted built-upon area or land disturbance shall not be placed within a required surface water buffer. This exemption shall apply to a zone lot for one time only after July 1, 1993, in all watersheds except Randleman Lake Watershed, where the effective date is January 1, 2000. This exemption shall not apply to a lot with a Watershed Development Plan on file with the Planning Department.

(F) No lot or property shall be exempt from the buffer protection requirements of this ordinance.

19.5-3 <u>No Development or Redevelopment Until Compliance and Permit</u>. No *development* or *redevelopment* shall occur except in compliance with the provisions of this ordinance or unless exempted. No *development* for which a permit is required pursuant to this ordinance shall occur except in compliance with the provisions, conditions, and limitations of the permit.

19.5-4 <u>Map</u>. The provisions of this ordinance shall apply within the areas designated on the map titled "Watershed Map of Town of Jamestown, North Carolina" ("the Stormwater Map"), which is adopted simultaneously herewith. The Stormwater Map and all explanatory

matter contained thereon accompanies and is hereby made a part of this ordinance.

The Stormwater Map shall be kept on file by the Stormwater Administrator and shall be updated to take into account changes in the land area covered by this ordinance and the geographic location of all *structural BMP*s permitted under this ordinance. In the event of a dispute, the applicability of this ordinance to a particular area of land or BMP shall be determined by reference to the North Carolina Statutes, the North Carolina Administrative Code, and local zoning and jurisdictional boundary ordinances.

19.6 Water Supply Overlay District Descriptions and Boundaries.

Two overlay districts cover water supply watersheds. They are the Watershed Critical Area Overlay District and the General Watershed Area Overlay District.

19.6-1 General Watershed Area Overlay District. The General Watershed Area (GWA) is an overlay district that includes all land draining into designated water supply reservoirs within the Town's jurisdiction, but outside any Watershed Critical Area Overlay District. Reservoirs designated for purposes of the Article are, City Lake, Oakdale Reservoir (Jamestown), and Randleman Lake

19.6-2 Watershed Critical Area Overlay District. The Town of Jamestown Watershed Map shows the Watershed Critical Area District boundaries. The Watershed Critical Area District is an overlay district covering the portion of the watershed adjacent to a designated water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The Watershed Critical Area Overlay District boundary extends either a minimum of 2,750 feet from the normal pool elevation of the reservoir in which the intake is located or to the ridgeline of designated water supply reservoir basins whichever comes first. The identifiable major feature may be a street, railroad, easement or other means of travel, which can be used by emergency personnel to respond to spills. The WCA consists of four tier divisions as follows:

(A) Tier 1: Tier 1 consists of those lands within 200 feet measured horizontally from the pool elevation of the designated reservoirs, which is 756 feet above mean sea level for City Lake, 716 feet above mean sea level for Oakdale Reservoir, and 682 feet above mean sea level for Randleman Lake.

(B) Tier 2: Tier 2 consists of those lands lying within an area bounded by Tier 1 and a line parallel to and 750 feet in

distance from the normal pool elevation.

(C) Tier 3: Tier 3 consists of those lands lying within an area bounded by Tier 2 and a line parallel to and 2,750 feet, measured horizontally from the normal pool elevation, or to the boundary of the WCA, whichever comes first, for all WCAs except the Randleman Lake WCA. Randleman Lake's WCA consists of those lands lying within an area bounded by Tier 2 and a line parallel to and 3,000 feet measured horizontally from the normal pool elevation, or to the boundary of the WCA, which ever comes first, except that Tier 3 along Richland Creek consists of those lands lying within an area bounded by Tier 2 and a line parallel to and 2,640 feet (1/2 mile) measured horizontally from the normal pool elevation or to the boundary of the WCA, whichever comes first.

(D) Tier 4: Tier 4 consists of those lands lying in the area between the outer boundary of Tier 3 and the WCA boundary.

19.7 INTERPRETATION

19.7-1 Meaning and Intent. All provisions, terms, phrases, and expressions contained in this ordinance shall be construed according to the general and specific purposes set forth in Section 19-1.1, Purpose and Authority. If a different or more specific meaning is given for a term defined elsewhere in the Town of Jamestown Development Ordinance, the meaning and application of the term in this ordinance shall control for purposes of application of this ordinance.

19.7-2 Text Controls in Event of Conflict. In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table, or map, the text shall control.

19.7-3 Authority for Interpretation. The Stormwater Administrator has authority to determine the interpretation of this ordinance. Any person may request an interpretation by submitting a written request to the Stormwater Administrator, who shall respond in writing within 30 days. The Stormwater Administrator shall keep on file a record of all written interpretations of this ordinance.

19.7-4 References to Statutes, Regulations, and Documents. Whenever reference is made to a resolution, ordinance, statute, regulation, manual (including the *Design Manual*), or document, it shall be construed as a reference to the most recent edition of such that has

been finalized and published with due provision for notice and comment, unless otherwise specifically stated.

19.7-5 Computation of Time. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the Town of Jamestown, the deadline or required date of action shall be the next day that is not a Saturday, Sunday or holiday observed by the Town of Jamestown. References to days are calendar days unless otherwise stated.

19.8 Delegation of Authority

Any act authorized by this Ordinance to be carried out by the Stormwater Administrator of Town of Jamestown may be carried out by his or her designee.

19.9 Usage

19.9-1 Mandatory and Discretionary Terms. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

19.9-2 Conjunctions. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows: The word "and" indicates that all connected items, conditions, provisions and events apply. The word "or" indicates that one or more of the connected items, conditions, provisions or events apply.

19.9-3 Tense, Plurals, and Gender. Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

19.10 Measurement and Computation

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

19.11 Design Manual

19.11-1 References to Design Manual. The Stormwater Administrator shall use the policy, criteria, and information, including technical specifications and standards, in the most recent edition of the NC DWQ Stormwater BMP Manual (hereinafter referred to as the *Design Manual*) as the basis for decisions about stormwater permits and about the design, implementation and performance of *structural and non-structural stormwater BMPs*.

The *Design Manual* includes a list of acceptable stormwater treatment practices, including specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards of the Phase II laws.

19.11-2 Relationship of Design Manual to Other Laws and Regulations. If the specifications or guidelines of the *Design Manual* are more restrictive or apply a higher standard than other laws or regulations, that fact shall not prevent application of the specifications or guidelines in the *Design Manual*.

19.11-3 Changes to Standards and Specifications. If the standards, specifications, guidelines, policies, criteria, or other information in the *Design Manual* are amended subsequent to the submittal of an application for approval pursuant to this ordinance but prior to approval, the new information shall control and shall be utilized in reviewing the application and in implementing this ordinance with regard to the application.

19.12 Relationship to Other Laws, Regulations and Private Agreements

19.12-1 Conflicts of laws. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

19.12-2 Private Agreements. This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such an easement, covenant, or other private agreement, the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not legitimize any failure to comply with this ordinance. In no case shall the Town of Jamestown be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

19.13 Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

19.14 Effective Date and Transitional Provisions

19.14-1 Effective Date. This Ordinance shall take effect on the same date as the larger document, known as the Jamestown Land Development Ordinance, of which this ordinance is a part, shall become effective

19.14-2 .Final Approvals. Complete Applications All *development* and *redevelopment* projects for which complete and full applications were submitted and approved by the Town of Jamestown prior to the effective date of this ordinance and which remain valid, unexpired, unrevoked and not otherwise terminated at the time of *development* or *redevelopment* shall be exempt from complying with all provisions of this ordinance dealing with the control and/or management of post-construction runoff, but shall be required to comply with all other applicable provisions, including but not limited to illicit discharge provisions.

A phased development plan shall be deemed approved prior to the effective date of this ordinance if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

1. For the initial or first phase of development, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been approved.

2. For any subsequent phase of development, sufficient detail so that implementation of the requirements of this ordinance to that phase of development would require a material change in that phase of the plan.

19.14-3 Violations Continue. Any violation of provisions existing on the effective date of this ordinance shall continue to be a violation under this ordinance and be subject to penalties and enforcement under this ordinance unless the use, *development*, construction, or other activity complies with the provisions of this ordinance.

SECTION 2: ADMINISTRATION AND PROCEDURES

19.15 Review and Decision-Making Entities

19-15.1 Stormwater Administrator. A Stormwater Administrator shall be designated by the Town Manager to administer and enforce this ordinance.

19-15.2 Powers and Duties. In addition to the powers and duties that may be conferred by other provisions of the Town of Jamestown Land Development Ordinance and other laws, the Stormwater Administrator shall have the following powers and duties under this ordinance:

a. To review and approve, approve with conditions, or disapprove applications for approval of plans pursuant to this ordinance.

b. To make determinations and render interpretations of this ordinance.

c. To establish application requirements and schedules for submittal and review of applications and appeals, to review and make recommendations to the Town Council on applications for *development* or *redevelopment* approvals.

d. To enforce the provisions of this ordinance in accordance with its enforcement provisions.

e. To maintain records, maps, forms and other official materials as relate to the adoption, amendment, enforcement, and administration of this ordinance.

f. To provide expertise and technical assistance to the Town Council, upon request.

g. To designate appropriate other person(s) who shall carry out the powers and duties of the Stormwater Administrator.

h. To take any other action necessary to administer the provisions of this ordinance.

19.16 Review Procedures

19.16-1 Permit Required; Must Apply for Watershed Approval (or Permit). An approved Watershed Plan (which may be used interchangeably with the term "stormwater permit" or "permit") is required for all development and redevelopment unless exempt pursuant to this ordinance. Approval may only be issued subsequent to a properly submitted and reviewed permit application, or plan, pursuant to this section.

19.16-.2 Effect of Permit. A stormwater permit shall govern the design, installation, and construction of stormwater management and control practices on the site, including *structural BMPs* and elements of site design for stormwater management other than *structural BMPs*.

The permit is intended to provide a mechanism for the review, approval, and inspection of the approach to be used for the management and control of stormwater for the *development* or *redevelopment* site consistent with the requirements of this ordinance, whether the approach consists of *structural BMPs* or other techniques such as low-impact or low-density design. The permit does not continue in existence indefinitely after the completion of the project; rather, compliance after project construction is assured by the maintenance provisions of this ordinance.

19.16-3 Authority to File Applications. All applications required pursuant to this Code shall be submitted to the Stormwater Administrator by the land *owner* or the land *owner's* duly authorized agent. An original signature of the property owner may be required on the cover sheet of the site plan submittal or application.

19.16-4 Application Contents and Form. The Stormwater Administrator shall establish requirements for the content and form of all applications and shall amend and update those requirements from time to time. At a minimum, the stormwater permit application shall describe in detail how post-development stormwater runoff will be controlled and managed, the design of all stormwater facilities and practices, and how the proposed project will meet the requirements of this ordinance.

19.16-5 Submission Schedule. The Stormwater Administrator shall establish a submission schedule for applications. The schedule shall establish deadlines by which complete applications must be submitted for the purpose of ensuring that there is adequate time to review applications, and that the various stages in the review process are accommodated.

19.16-6 Review Fees. The Town Council shall establish review fees as well as policies regarding refund of any fees upon withdrawal of an

application, and may amend and update the fees and policies from time to time.

19.16-7 Submittal of Complete Application. Applications shall be submitted to the Stormwater Administrator pursuant o the application submittal schedule in the form established by the Stormwater Administrator, along with the appropriate fee established pursuant to this section.

An application shall be considered as timely submitted only when it contains all elements of a complete application pursuant to this ordinance, along with the appropriate fee. If the Stormwater Administrator finds that an application is incomplete, the applicant shall be notified of the deficient elements and shall be provided with an opportunity to submit a complete application. However, the submittal of an incomplete application shall not suffice to meet a deadline contained in the submission schedule established above.

19.16-8 Review. The Stormwater Administrator shall review the application and determine whether the application complies with the standards of this ordinance.

19-.16-9 Approval. If the Stormwater Administrator finds that the application complies with the standards of this ordinance, the Stormwater Administrator shall approve the application. The Stormwater Administrator may impose conditions of approval as needed to ensure compliance with this ordinance. The conditions shall be included as part of the approval.

19-15.10 Fails to Comply

If the Stormwater Administrator finds that the application fails to comply with the standards of this ordinance, the Stormwater Administrator shall notify the applicant and shall indicate how the application fails to comply. The applicant shall have an opportunity to submit a revised application.

19-15.11 Revision and Subsequent Review

A complete revised application shall be reviewed by the Stormwater Administrator after its re-submittal and shall be approved, approved with conditions or disapproved.

If a revised application is not re-submitted within sixty (60) calendar days from the date the applicant was notified, the application shall be considered withdrawn, and a new submittal for the same or

substantially the same project shall be required along with the appropriate fee for a new submittal.

Up to three (4) re-submittals of a revised application may be submitted without payment of an additional permit review fee. Any re-submittal after the fourth re-submittal shall be accompanied by an additional review fee, as established pursuant to this ordinance.

19-16 APPLICATIONS FOR APPROVAL

19-16.1 Concept Plan and Consultation Meeting

Before a stormwater management permit application is deemed complete, the Stormwater Administrator or developer may request a consultation on a concept plan for the post-construction stormwater management system to be utilized in the proposed *development* project. This consultation meeting should take place at the time of the preliminary plan of subdivision or other early step in the *development* process. The purpose of this meeting is to discuss the post-construction stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential approaches to stormwater management designs before formal site design engineering is commenced. Local watershed plans, the Town of Jamestown Land Development Ordinance, 2030 Comprehensive Plan, and other relevant resource protection plans should be consulted in the discussion of the concept plan. Fees for such a meeting may be required.

To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting.

19-16.2 Existing Conditions / Proposed Site Plans

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (if available); boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

19-16.3 Natural Resources Inventory

A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural

feature protection and conservation areas such as lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for *development* and stormwater management.

19-16.4 Stormwater Management System Concept Plan

A written or graphic concept plan of the proposed post-*development* stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings.

19-16.5 Stormwater Management Permit Application

The stormwater management permit application shall detail how post-*development* stormwater runoff will be controlled and managed and how the proposed project will meet the requirements of this ordinance, including Section 3, Standards. All such plans shall be prepared by a qualified registered North Carolina professional engineer, surveyor, or landscape architect, and the engineer, surveyor, or landscape architect shall perform services only in their area of competence, and shall verify that the design of all stormwater management facilities and practices meets the submittal requirements for complete applications, that the designs and plans are sufficient to comply with applicable standards and policies found in the *Design Manual*, and that the designs and plans ensure compliance with this ordinance.

The submittal shall include all of the information required in the submittal checklist established by the Stormwater Administrator. Incomplete submittals shall be treated pursuant to 19-15.10 (Fails to Comply).

19-16.6 As-Built Plans and Final Approval

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall certify that the completed project is in accordance with the approved stormwater management plans and designs, and shall submit actual “as built” plans for all stormwater management facilities or practices after final construction is completed.

The plans shall show the final design specifications for all stormwater management facilities and practices and the field location, size, depth, and planted vegetation of all measures, controls, and devices, as installed. The designer of the stormwater management measures and plans shall certify, under seal, that the as-built stormwater measures, controls, and devices are in compliance with the approved stormwater management plans and designs and with the requirements of this ordinance. A final inspection and approval by the Stormwater Administrator shall occur before the release of any performance securities.

19-16.7 Other Permits

No certificate of compliance or occupancy shall be issued by the Town of Jamestown or Guilford County without final as-built plans and a final inspection and approval by the Stormwater Administrator, except where multiple units are served by the stormwater practice or facilities, in which case the Town of Jamestown or Guilford County may elect to withhold a percentage of permits or certificates of occupancy until as-built plans are submitted and final inspection and approval has occurred.

19-16.8 Plans Required for Buffer Encroachments

Site plans, prepared by a licensed professional engineer, professional land surveyor, or landscape architect are required to be submitted to the Town of Jamestown prior to any encroachment into a required buffer. Fees may apply to such review the Town of Jamestown.

19.17 APPROVALS

19-17.1 Effect of Approval

Approval authorizes the applicant to go forward with only the specific plans and activities authorized in the permit. The approval shall not be construed to exempt the applicant from obtaining other applicable approvals from local, state, and federal authorities.

19-17.2 Time Limit/Expiration

An approved plan shall become null and void if the applicant fails to make *substantial progress* (i.e.- building permits must be open and active on the site) on the site within two years after the date of approval. The Stormwater Administrator may grant a single, one-year extension of this time limit, for good cause shown, upon receiving a written request from the applicant before the expiration of the approved plan.

In granting an extension, the Stormwater Administrator may require compliance with standards adopted since the original application was

submitted unless there has been substantial reliance on the original permit and the change in standards would infringe the applicant's vested rights.

19.18 APPEALS

19-18.1 Filing of Appeal and Procedures

Appeals shall be taken within 30 days by filing a notice of appeal and specifying the grounds for appeal on forms provided by the Town of Jamestown. The Stormwater Administrator shall transmit to the Board of Adjustment all documents constituting the record on which the decision appealed from was taken.

The hearing conducted by the Board of Adjustment shall be conducted in the nature of a quasi-judicial proceeding with all findings of fact supported by competent, material evidence.

19-18.2 Review by Superior Court

Every decision of the Board of Adjustment shall be subject to Superior Court review by proceedings in the nature of certiorari. Petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the latter of the following:

(1) The decision of the Board of Adjustment is filed; or

(2) A written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the Chair of the Board of Adjustment at the time of its hearing of the case.

SECTION 3: STANDARDS

19.19 GENERAL STANDARDS

All *development* and *redevelopment* to which this ordinance applies shall comply with the standards of this section.

19-19.1 Development Standards for Low-Density Projects

Low-density projects shall comply with each of the following standards:

(A) Stormwater runoff from the *development* shall be transported from the *development* by vegetated conveyances to the maximum extent practicable.

(B) All *built-upon area* shall be at a minimum of 50 feet landward of all perennial and intermittent surface waters. A perennial or intermittent surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using *Division*-approved methodology by a qualified professional.

(C) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as a recorded deed restriction or protective covenants, to ensure that future *development* and *redevelopment* maintains the site consistent with the approved project plans.

(D) If discrepancies arise in stream classification between the applicant and the Town of Jamestown, the Town at its sole discretion, may request that an independent evaluation be performed by a 3rd party professional who is qualified to make such determinations. Costs for such an evaluation may be required to be borne by the applicant, at the discretion of the Town of Jamestown.

19-19.2 Development standards for High-Density Projects

High-density projects shall implement stormwater control measures that comply with each of the following standards:

(A) The measures shall control and treat runoff from the first inch of rain. Runoff volume drawdown time shall be a minimum of 48 hours, but not more than 120 hours.

(B) All structural stormwater treatment systems used to meet these requirements shall be designed to have a minimum of 85% average annual removal for Total Suspended Solids (TSS);

(C) General engineering design criteria for all projects shall be in accordance with 15A NCAC 2H .1008(c), as explained in the *Design Manual*;

(D) All *built-upon area* shall be at a minimum of 100 feet landward of all perennial and 50 feet for intermittent surface waters. A surface water shall be deemed present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). An exception to this requirement may be allowed when surface waters are not present in accordance with the provisions of 15A NCAC 2B .0233 (3)(a) or similar site-specific determination made using *Division*-approved methodology, or as in 19-19.1 (D)

(E) The approval of the stormwater permit shall require an enforceable restriction on property usage that runs with the land, such as recorded deed restrictions or protective covenants, to ensure that future *development* and *redevelopment* maintains the site consistent with the approved project plans.

19-20 STANDARDS FOR STORMWATER CONTROL MEASURES

19-20.1 Evaluation According to Contents of Design Manual

All stormwater control measures and stormwater treatment practices (also referred to as Best Management Practices, or BMPs) required under this ordinance shall be evaluated by the Stormwater Administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the *Design Manual*. The Stormwater Administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this ordinance.

19-20.2 Determination of Adequacy; Presumptions and Alternatives

Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the *Design*

Manual will be presumed to meet the minimum water quality and quantity performance standards of this ordinance. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the *Design Manual*, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this ordinance. The Stormwater Administrator may require the applicant to provide the documentation, calculations, and examples necessary for the Stormwater Administrator to determine whether such an affirmative showing is made.

WATERSHED CRITICAL OVERLAY DISTRICT (WCA)

19-20.3 Protection of Fragile Areas in a Watershed Critical Area Overlay District

For the purposes of this Article, slopes greater than 15%, wetlands, and drainage areas are considered fragile areas warranting protection.

(A) Slopes Greater than 15% and Wetlands: Slopes greater than 15% lying adjacent to natural drainageways, intermittent streams, perennial streams and wetlands shall remain in a natural and undisturbed condition except for road crossings, utilities, greenways, trails, sidewaks, erosion control devices and runoff control devices.

1. Dedication of these areas to the Town as drainageway and open space may be required wherever authorized by other provisions in local ordinances.

2. Where such dedication is not required, a water quality conservation easement shall be recorded over such wetlands and slopes.

3. Where a water quality conservation easement serves to bring two or more properties into compliance with the WCA requirements of this Article, the Technical Review Committee may require that the wetlands and slopes covered by such easements be held as common area by an owners association.

4. The natural ground cover and the natural tree canopy within a water quality conservation easement shall be preserved with the following exceptions, which are permitted only after issuance of a permit by the Public Services Department:

a. Public utilities can be constructed and maintained by the Town of Jamestown or its designee;

b. Soil erosion and sedimentation control structures can be

constructed and maintained by the developer of the property, subject to approval of a land-disturbing permit by the Public Services Department. After these structures are no longer needed, they shall be removed and the water quality conservation easement restored to a natural state – or the state the site was in before disturbance (i.e.- if site was grass, it may be replace with grass, if it was forested, it must be replaced with trees and shrubs at the rate of 320 stems per acre);

c. Normal maintenance by mechanical means is allowed for the removal of dead, diseased, deformed, poisonous or noxious vegetation and pests harmful to health;

d. Mechanical mowing of utility areas is allowed for the purpose of controlling growth.

e. Construction of approved passive recreational facilities or trails.

5. Nothing in this Subsection shall supersede the surface water buffer requirements of this Article.

(B) Drainage:

a. Drainage within the Watershed Critical Area Overlay District shall be provided by means of open channels to the maximum extent possible. If it is determined by the Technical Review Committee that better water quality protection is provided by alternative means, or to meet Town of Jamestown street standards, piped or improved drainage may be permitted.

b. Drainageways shall have protected channels or remain in a natural, undisturbed state, except for road crossings, utilities, greenways, sidewalks, trails, erosion control devices, runoff control devices, and desirable artificial stream bank stabilization.

c. No new development shall be allowed in such protected or undisturbed areas; except that water dependent structures and public projects such as greenways may be allowed where no practicable alternative exists. Where these activities are allowed, they shall minimize built-upon surface area and maximize the utilization of Best Management Practices (BMP's).

d. Perennial and intermittent streams, lakes and ponds shall be protected as specified in this Article.

(C) Spill Risk Reduction

Prohibited Uses: The following uses shall be prohibited in a Watershed Critical Area Overlay District (WCA):

DESCRIPTION SIC INDUSTRY GROUP MAJOR GROUP NUMBERS

Agricultural Uses	
Animal Feeder/Breeder	0210
Chemical Treatment for Crops; Fertilizer Application for Crops; Weed Control for Crop Operations; including Aerial Crop Dusting	0710, 0721
Business Professional and Personal Services	
Automobile Rental or Leasing	7510
Automobile Repair Services, Major	0000
Automobile Repair Services, Minor	0000
Automotive Towing and Storage Services	7549
Boat Repairs	3730
Car Washes	7542
Commercial Physical & Biological Research	8731
Equipment Repair, Heavy, including: Agricultural Equipment Repair, Boiler Cleaning and Repair, Cesspool Cleaning	7690
Engine Repair except automotive Industrial Truck Repair, and Welding Repair Shops	7690
Farm Machinery Repair	7690
Furniture Stripping or Refinishing (including secondary or accessory operations)	7641
Heavy Construction Equipment Rental & Leasing	7353
Industrial Truck Rental & Leasing	7359
Laundry or Dry Cleaning Plants	7211, 7216, 7217, 7218
Landscape and Horticultural Services	0780
Machinery Cleaning	7690
Motorcycle Repair Service	7690
Pest or Termite Control Services	7342
Rebabbitting	7690

Repair of Service Station Equipment	7690
Septic Tank Services	7699
Sewer Tank Cleaning and Rodding	7690
Solvent Recovery Services	7389
Tank and Boiler Cleaning Service	7690
Tank Truck Cleaning Service	7690
Tractor Repair	7690
Truck Driving Schools	8249
Truck Tractor & Semi Rental & Leasing, Heavy	0000
Truck & Util. Trailer Rental & Leasing, Light	0000
Truck Washing	7542
Welding Repair Shops	7692
Retail Trade Uses	
Convenience Stores (with gasoline pumps)	5411
Fuel Oil Sales	5980
Motor Vehicle Sales (new and used)	5511
Motorcycle Sales	5571
Recreational Vehicle Sales	5561
Service Stations, Gasoline	5541
Truck Stops	5541
Wholesale Trade	

DESCRIPTION	SIC INDUSTRY GROUP MAJOR GROUP NUMBERS
Agricultural Chemicals, Pesticides, Fertilizers	5191
Chemical and Allied Products	5169
Motor Vehicles	5012
Nursery Stock, Plants Potted	5193
Paints & Varnishes	5198
Petroleum & Petroleum Products	5170
Resins	5162
Scrap and Waste Materials	5093
Transportation, Warehousing, and Utilities	
Air Transportation Facilities	4500
Bus Terminals & Service Facilities	4100, 4170
Demolition Debris Landfills, Major	0000
Demolition Debris Landfills, Minor (less than two acres)	0000

Hazardous & Radioactive Waste (transportation, storage, disposal)	4953
Petroleum Contaminated Soil	0000
Pipelines, except Natural Gas	4600
Railroad Terminal Yard	4010
Recycling Processing Centers	0000
Refuse & Raw Material Hauling	4212
Plant Sludge Application Sites	4953
Remediation Disposal Sites	0000
Solid Waste Disposal (nonhazardous)	4953
Trucking or Freight Terminals	4230, 4213
Manufacturing and Industrial Uses	
Animal Slaughter or Rendering	0000
Arms and Weapons	3480
Asbestos, Abrasive and Related Products	3290
Asphalt Plant	2951
Batteries	3690
Chemicals, Paints & Allied Products	2800
Concrete, Cut Stone & Clay Products	3240, 3270
Cement, Hydraulic	3241
Contractors, Heavy Construction	1600
Contractors, Special Trade	1700
Dairy Products	2020
Explosives	2892
Fats and Oils, Animal	2077
Fats and Oils, Plant	2070
Fish, Canned, Cured or Frozen	2091
Hazardous Waste Handler (refer to Section 9-7-26)	0000
Leather and Leather Products (tanning)	3110

DESCRIPTION SIC INDUSTRY GROUP MAJOR GROUP NUMBERS

Magnetic & Optical Recording Media	3695
Meat & Poultry, Packing & Processing (no renderings)	2010
Metal Coating and Engraving	3470
Mining and Quarrying	1000
Paper Products (no coating and laminating)	2670

Paper Products (coating and laminating)	2670
Petroleum and Related Products	2900
Photographic Supplies	3861
Primary Metal Products & Foundries	3300
Pulp and Paper Mills	2610
Rubber & Plastics, Misc.	3000
Rubber & Plastics, Raw	3000
Salvage Yards, Auto Parts	5015
Salvage Yards, Scrap Processing	5093
Solvent Recovery	7389
Surface Active Agents	2843
Textile Products (no dying & finishing)	2200
Textile Products (with dying & finishing)	2260
Hazardous or toxic substance generators prohibited by Section 9-7-26(b)(2) (regulations for hazardous or toxic substance generators)	0000

Containment Structures:

1. Storage tanks for fuels and chemicals and associated pumping and piping shall have a spill containment system.

2. Such containment systems shall be of sufficient volume to contain 100% of all the tank(s) contents stored in the area and shall have a leak detection system installed.

3. The containment system shall be approved by the Planning Director and the Fire Marshall.

4. Such tanks and containment structures shall not be placed closer than 1,000 feet to the normal pool elevation of the applicable reservoir.

5. Such a containment system shall be a minimum of 50 feet from the property line of the facility if the area adjacent to the facility is in a zoning district other than light or heavy industrial.

6. Provisions shall be made to remove stormwater without removal of the product except for mistable materials. Contaminated water may not be discharged to the sewer system without a permit or to a water body or to a water-course.

Underground Storage Tanks: In a Watershed Critical Area Overlay District, underground storage tanks for fuels and chemicals shall not be permitted except for the replacement of existing tanks.

Point Source Discharges:

1. No expansion of any existing private wastewater facilities or establishment of any new public or private wastewater treatment plants of any kind shall be permitted in WCA districts.

2. Industrial pre-treatment facilities that prepare wastewater for discharge into a public sewer system shall be permitted in WCA districts.

19-20.4 Density Shifting

The location of development on soils and terrain most suited to protecting the water quality of water supply reservoirs is encouraged in the WCA by density shifting. The overall density of a development utilizing density shifting shall meet the applicable WCA density and stormwater runoff control requirements, except as modified by this Subsection. Built-upon areas within such developments shall be designed and sited to minimize stormwater runoff impact to the receiving waters, and the remainder of the tract should remain in an undisturbed or natural state. Density shifting is utilized in developments having lot sizes in accordance with the minimum area permitted by the underlying zoning district or in approved cluster developments. Through density shifting, developments may increase the maximum permitted residential densities otherwise established in this Article if the development rights attached to acreage located within a tier are transferred within the same property to an adjacent tier located farther from the water supply reservoir. Such transfer shall permit an additional number of dwelling units in the receiving tier. This addition is calculated by adding the density or dwelling units transferred from the adjacent tier to the density or dwelling units permitted in the receiving tier. The dwelling units permitted by acreage transfer from an adjacent tier shall be in addition to the number of dwelling units otherwise permitted in the receiving tier, but in no case shall the density allowed by the underlying zoning district be exceeded, unless cluster development options allow for increased densities.

19-20.5 Stormwater Management; WCA

(A) Stormwater Control(s) Required:

The minimum stormwater control(s) required in the Watershed Critical Area Overlay District shall be in accordance with Table 19-20.5 which follows and the additional standards of this Section.

Table 19-20.5
Minimum Stormwater Controls Required in the WCA

Watershed	Density/Built upon Area Residential	Density/Built upon Area Multifamily, PUD's and Non-residential	Minimum Stormwater Control required
City Lake and Oakdale Reservoir	≤ 1 du/2 acres	≤ 6% built-upon area	None
	≤ 2 du/acre	≤ 24% built-upon area	Alternate measures[1]
	NA	≤ 50% built-upon area	Engineered Stormwater controls[2]
Randleman Lake	≤ 1 du/2 acres	≤6% built-upon area	None
	< 1 du/acre	<12% built-upon area	Alternate measures[1]
	NA	≤30% built-upon area[3]	Engineered stormwater controls[2]

1. Alternative measures in accordance with this ordinance.
2. Engineered stormwater controls in accordance with this ordinance.
3. Tier 4 built-upon area may be up to 40% under the high density option

(B) Control of Runoff:

In a Watershed Critical Area Overlay District, runoff from built-upon areas shall be controlled as follows:

(1) Where alternate measures are allowed in accordance with Table 19-20.5, runoff shall be controlled in compliance with the Town of Jamestown's Stormwater Guidelines for Water Quality and Flood Control, which are hereby adopted and incorporated herein by reference.

(2) Where engineered stormwater controls are required in accordance with Table 19-20.5, runoff shall be controlled in compliance with the Town of Jamestown's Stormwater Guidelines for Water Quality and Flood Control.

(3) Design Approval: All designs for runoff control structures shall meet the requirements of this Ordinance, the guidelines set forth in the Town of Jamestown Stormwater Guidelines and BMP Manual and the State requirements for the retention of the difference in pre and post construction runoff for the one (1 year) year, twenty-four (24 hour) hour storm and removal of 85% TSS; and shall be subject to the approval of the

Stormwater Administrator.

(C) Methods of Stormwater Control:

(1) Alternate Measures for Low Density Development: As required by Table 19-20.5, the allowed alternate measures may be any one of the following that meet the standards of the Town's Stormwater Guidelines for Water Quality and Flood Control:

a. Extended Dry Pond.
b. Infiltration Trench.
c. Natural Infiltration Area.
d. Participation in a public or private regional runoff control program, in comp1iance with this Ordinance.
e. Low Impact Design as approved by the Technical Review Committee in accordance with the Stormwater Guidelines for Water Quality and Flood Control.
f. Any best management practice approved by the Stormwater Administrator that meets the performance standards of control of the first one-half inch of rainfall.

(2) Engineered Stormwater Controls for High Density Development: In accordance with Table 19-20.5, a wet detention pond or other best management practice meeting the performance standards of control of the first one inch of rainfall and removal of 85% of total suspended solids (TSS) shall be used to control stormwater runoff in compliance with the Town's Stormwater Guidelines for Water Quality and Flood Control. In lieu of an on-site engineered stormwater control, developments may participate in a regional stormwater control program in compliance with the requirements of this Ordinance.

19-20.6 Public Sanitary Sewer Required

All new development in a Watershed Critical Area Overlay District shall be served by public sanitary sewer except development in the Randleman Lake Watershed Critical Area Overlay District under the low density option.

GENERAL WATERSHED AREA OVERLAY DISTRICT (GWA)

19-20.7 Spill Risk Reductions in the GWA

(A) Prohibited Uses: The following uses shall be prohibited in a General Watershed Area (GWA): Hazardous or toxic substance generator or handler.

(B) Restricted Use: The following use shall be restricted in a GWA: No expansion of any existing private solid waste landfill or establishment of any new public or

private solid waste landfill shall be permitted.

19-20.8 GWA Built-Upon Area Limits

(A) Built-Upon Area Limits in City Lake and Oakdale Reservoir Watersheds: City Lake and Oakdale Reservoir are classified as WS IV water supply watersheds, and development in the General Watershed Area (GWA) Overlay Districts shall not exceed 70% built-upon area. Developments with greater than 6% built-upon area (BUA) shall provide an engineer's certification of runoff control in compliance with this Ordinance.

(B) Built-Upon Area Limits in Randleman Lake Watershed: Randleman Lake is classified as a WS IV CW water supply watershed, and development in the Randleman Lake GWA Overlay District shall not exceed 50% built-upon area, except as otherwise provided in this Subsection. Developments with greater than 6% built-upon area (BUA) shall provide an engineer's certification of runoff control in compliance with of this Ordinance.

19-20.9 Stormwater Control

The minimum stormwater control(s) required in the GWA shall be in accordance with Table 19-20.9, which follows, and the additional standards of this article.

Table 19-20.9
Minimum Stormwater Controls Required in the GWA

Watershed	Density/Built-upon Area Residential	Density/Built-upon Area Multifamily and Nonresidential	Minimum Stormwater Control Required
City Lake and Oakdale Reservoir	≤1 du/2 acre	≤ 6% built-upon area	None
	≤2 du/acre	≤24% built-upon area	Performance standards
	>2 du/acre	≤ 70% built-upon area	Engineered stormwater controls
Randleman Lake	≤ 1 du/2 acre	≤ 6% built-upon area	None
	≤ 1 du/acre	≤ 12% built-upon area	Performance standards
	> 1 du/acre	≤50% built-upon area	Engineered stormwater controls

Single-family and two-family development utilizing the low density option shall use the density standards. Single family and two-family development exceeding the density limits shall use the built-upon area standards. Multi-family residential and non-residential developments shall use the built-upon area standards. May be increased to three dwelling units per gross acre or 36% built-upon area for developments without curb and gutter street system with performance standards.

19-20.10 Performance Standards

Where compliance with performance standards is required in accordance with Table 19-20.9, the performance standards shall be in the form of a score sheet based on factors that minimize the impact of stormwater runoff from development. Plan approval for a proposed development within the General Overlay District shall require meeting one of two performance standards below:

(A) Score Sheet: A minimum of one hundred (100) points is earned when the score sheet system for development is applied; Single-family and two-family residential development shall use the Residential Score Sheet Table 19-20.10(a). Nonresidential and multifamily development shall use Score Sheet in Table 19-20.10(b).

(B) Stormwater Control: When a proposed development does not earn one hundred (100) points, an approved stormwater control measure or structure shall be provided, in compliance with the Town of Jamestown's Stormwater Guidelines for Water Quality and Flood Control.

Table 19-20.10(a)
RESIDENTIAL SCORESHEET

TABLE INSET:

Maximum Points	Factor	Point Value	Points Earned
20	1. Zone		
	AG or RS-10	10	
	PD-R (Single-family detached and cluster)	15	
	PD-R (Cluster exclusively)	20	
25	2. Built-upon area		
	0--3 percent	25	
	3--7 percent	20	
	7--10 percent	15	
	10--15 percent	10	
25	3. Proximity to floodway as defined by the Federal Emergency Management Agency		
	More than 2,000 feet	25	

	1,000--2,000 feet	20	
	500-1,000 feet	15	
	100--500 feet	10	
	50--100 feet	5	
10	4. Soil type as defined on pg. 29 and Table 7, pg. 57, Guilford County Soil Survey		
	Slight	10	
	Moderate	5	
25	5. Drainage--Protect and use natural drainageways		
	Piped or improved drainage with riprap	5	
	Dispersed drainage or protected drainageways	10	
	Dispersed drainage and protected drainageways	20	
	Enhanced and protected natural drainageways	25	
25	6. Average slope		
	0--5 percent	25	
	6--10 percent	20	
	11--15 percent	5	
25	7. Land cover--High percentage of natural and stabilizing vegetation		
	50' stream buffer and natural or stabilizing vegetation on greater than 25 percent of the lot	25	
	50' stream buffer and natural or stabilizing vegetation on 15--25 percent of the lot	20	
	50' stream buffer and natural or stabilizing vegetation on 10--15 percent of the lot	15	
	Natural or stabilizing vegetation between units and water	10	
	Ornamental lawn on greater than 5 percent of the lot	5	
25	8. Runoff control strategies		
	Maximum runoff control	25	
	Moderate runoff control	20	
	Runoff control in excess of minimum requirements of erosion control ordinance	15	

	Runoff control equal to minimum requirements	5	
10	9. Sewage disposal--Public sewer services	10	
10	10. Street and driveway design		
	With vegetated ditches	10	
	With piped drainage and/or curb and gutter and energy dissipaters	5	
Total: 200		Total	

Notes:
(1) All plans must have 100 or more points and meet all other requirements to be approved.
(2) Do not use this table if gross density exceeds two (2) dwelling units per acre or built-upon area is greater than 24 percent or three (3) dwelling units/acre (gross) or 36 percent built-upon area without curb and gutter in a WS-IV watershed, except for the Randleman Lake Watershed. Do not use this table for development in the Randleman Lake Watershed if gross density exceeds one (1) dwelling unit per acre or built-upon area is greater than 12 percent.

SUBMISSION REQUIREMENTS

SINGLE FAMILY: Rated prior to approval of a Preliminary Plat. Individual homes on individual lots are not rated.

MULTI-FAMILY: Rated prior to approval of a site plan.

DEFINITIONS, EXPLANATIONS, AND STANDARDS

1. Conditional use rezonings will be given the appropriate bonus points if the use and site plan conditions meet the requirements of the bonus zone, such as clustering developments on the best soils and terrain of the site.

2. RESERVED

3. Proximity to floodway is determined by measuring or scaling the distance from the floodway to the closets boundary of the tract.

4. Self - explanatory.

5. Protected Drainageway means drainage is channeled by pervious devices

such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, rip-rapping, or a combination of those, and which allows infiltration of water into the soil.

Dispersed Drainage means spread out, as opposed to collecting the runoff in channels, so as to effect increased sheet flow and overland flow. Improved Drainageway means channeled by impervious surfaces such as curb and gutter or concrete (gunnite, bituminous, etc.) channels. Enhanced Drainageway means carried by existing natural drainageways which have been enhanced to resist soil erosion, including stream bank degradation.

6. Average Slope shall mean the maximum inclination of the land surface from the horizontal as measured in percentage slope. The average slope shall be determined for the entire lot, tract, or subdivision before development.

7. If all or part of an existing lot containing natural or stabilizing vegetation is dedicated to the public for park or drainageway and open space purposes, such land will count in computing score.

   Stabilizing Vegetation means any vegetation that protects the soil against erosion.

8. Maximum Runoff control means approximately one hundred (100%) percent of built-upon area runoff must pass through permanent wet detention pond(s). Moderate Runoff Control means at least seventy-five (75%) percent of built-upon area runoff must pass through permanent wet detention pond(s). Runoff control in Excess of Minimum Requirements of Erosion Control Ordinance means at least fifty (50%) percent of built-upon area runoff must pass through permanent wet detention pond(s). Runoff Control Equal to Minimum Requirements means velocity control of runoff. Detention Pond means a pond which collects stromwater runoff, filters the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond. Wet Detention Pond means a pond that has a permanent pool and also collects stormwater runoff, filters the water, and releases it slowly over a period of days. Retention Pond means a pond that has a permanent pool.

9. No points will be allowed for on-site septic tank systems or private treatment systems.

10. Self-explanatory.

Table 20-18.10(b)
MULTIFAMILY AND NONRESIDENTIAL SCORESHEET

Maximum Points	Factor	Point Value	Points Earned
10	1. Built-upon area		
	Less than 7.5 percent impervious	10	
	7.5--15 percent impervious	5	
25	2. Proximity to floodway as defined by the FEMA		
	More than 2,000 feet	25	
	1,000--2,000 feet	20	
	500--1,000 feet	15	
	100--500 feet	10	
	50--100 feet	5	
15	3. Soils--Hydrologic soil group (when 50 percent or more of the site remains undisturbed)		
	B	15	
	C	5	
20	4. Drainageways		
	Vegetated waterways (swales)	10	
	Minor channels with riprap	10	
	Preserve natural drainageways	10	
	Preserve and protect natural drainageways	20	
25	5. Average slope (where 50 percent or more of site remains undisturbed)		
	0--6 percent	25	
	6--10 percent	20	
	10--15 percent	5	
25	6. Undisturbed area		
	Greater than 50 percent undisturbed	25	
	30--50 percent undisturbed	15	

	20--30 percent undisturbed	10	
10	7. Permanent erosion control		
	Revegetating bare soil areas	5	
	Revegetating and protecting concentrated flow areas	10	
60	8. Permanent runoff control strategies		
	Natural infiltration of required runoff from:		
	100 percent of built-upon area	60	
	75 percent of built-upon area	45	
	50 percent of built-upon area	30	
	Wet detention pond meeting performance standards controlling runoff from:		
	100 percent of built-upon area	50	
	75 percent of built-upon area	40	
	50 percent of built-upon area	25	
	Vegetative filter for sites with less than 25 percent built-upon area meeting performance standards	15	
	Dry detention pond	10	
10	9. Sewage disposal--Public sewer service	10	
15	10. Street and driveway design		
	With water from roadside swales or curb cuts directed into natural infiltration	15	
	With vegetated ditches	10	
	With piped drainage and/or curb and gutter and energy dissipators	5	
Total: 215		Total	

Notes:
(1) All plans must have 100 or more points and meet all other requirements to be approved.
(2) Do not use this table if built-upon area exceeds 24 percent or three (3) dwelling units/acre (gross) or 36 percent built-upon area for developments without a curb and gutter street system in a WS-IV watershed, except for the Randleman Lake Watershed. Do not use this table for development in the Randleman Lake Watershed if built-upon area exceeds 12 percent.

SUBMISSION REQUIREMENTS

RESIDENTIAL/COMMERCIAL/INDUSTRIAL SUBDIVISION: Rated prior to approval of preliminary plat.

RESIDENTIAL/INSTITUTIONAL/COMMERCIAL/INDUSTRIAL SITE PLANS: Rated prior to approval of site plan unless lot was prequalified by subdivision.

COMMERCIAL/INDUSTRIAL PROJECTS WITHOUT SITE PLANS: Rated prior to approval of the building permit.

DEFINITIONS, EXPLANATION, AND STANDARDS

1. Built-upon area coverage includes: paved parking lots, driveways, roads and streets, buildings or other structures which cover the soil. It is computed by the equation: acres built-upon area divided by total acres in the tract times one-hundred (100%) percent.

2. Proximity to floodway is determined by measuring or scaling the distance from the floodway to the closet boundary of the tract.

3. Hydrologic Soil Groups as defined on pg. 35 of the USDA - SCS Soil Survey of Guilford County, North Carolina (12/19/77) and referenced in Table 15.

4. Vegetated Waterways (Swales) are to be constructed according to USDA-SCS specifications or equivalent methods, and they are to include installation of channel liners (plastic, jute, or excelsior) where expected flow velocity (10-yr. Storm) exceeds three (3) feet per second. Minor Channels With Rip-rap are to meet Town of Jamestown specifications. Preserve Natural Drainageways shall mean no disturbance of natural drainageways by cutting, filling, channelization, or destroying natural vegetation. Preserve and Protect Natural Drainageways shall mean protecting natural channels against stream bank erosion by rip-rap, or establishing soil stabilizing vegetation on stream banks and/or providing for a natural or revegetated stream of twenty-five (25) feet or more on each side of the stream.

5. Average Slope shall mean the maximum inclination of the land surface from the horizontal as measured in percentage slope. The average slope shall be determined for the entire lot, tract or subdivision before development.

6. Undisturbed Area shall be that portion of a lot, tract or subdivision which has not and will not be occupied and which has not and will not be graded to change land contours or to destroy existing vegetation.. Only areas that

are wooded or reforested are considered undisturbed for the purposes of watershed protection scoresheet evaluation.

7. Revegetating Bare Soil Areas shall mean providing a stabilizing vegetative cover on those areas disturbed by grading of the site where no other land cover (structure, etc.) is to be located.

8. All runoff control methods or devices shall meet or exceed Town of Jamestown design specifications. Retention ponds will be considered in lieu of wet detention ponds on a case-by-case basis.

9. No points will be allowed for on-site septic tank systems or private sewage treatment systems.

10. Self-explanatory.

19-20.11 Control of Runoff

(A) Control of Runoff

Where engineered stormwater controls are required in accordance with Table 19-20.9, runoff shall be controlled in compliance with the Town of Jamestown's Stormwater Guidelines for Water Quality and Flood Control.

(B) Design Approval for Runoff Control Structures

All designs for runoff control structures shall meet the requirements of this Ordinance and shall be subject to the approval of the Stormwater Administrator or his/her designee.

19-20.12 Spill Risk Reduction in the GWA

(A) The following uses shall be prohibited in a GWA:

Landfills, except for on-site construction debris landfills less than three acres.

Land application of sludge/residuals or petroleum contaminated soils.

19-21 REGIONAL STORMWATER CONTROL

19-21.1 Participation in a Regional Stormwater Control Program

(A) <u>Public Regional Stormwater Control Program</u>:

1. Where Permitted: Where a regional stormwater control program has been established by one or more local governments, or by an authority operating on behalf of one or more local governments, a development may

participate in said program in lieu of any certification of stormwater control required by this Article, provided that:

a. The development is within an area covered by a public regional stormwater control program;
b. Stormwater from the development drains to an existing or funded public regional engineered stormwater control structure which is proposed to be built and is part of said program;
c. Participation is in the form of contribution of funds, contribution of land, contribution of engineered stormwater control structure construction work, or a combination of these, the total value of which shall be in accordance with a fee schedule adopted by the town or in accordance with an intergovernmental agreement; and
d. The Technical Review Committee finds that the watershed development plan is in compliance with all other applicable requirements of this Ordinance.

2. Developments participating in a public regional stormwater control program are encouraged to maintain pre-development hydrology at the project site.

3. Use of Contributions: Each contribution from a development participating in a public regional engineered stormwater control structure program shall be used for acquisition, engineering, construction and/or maintenance of one or more such structures in the same water supply watershed in which development lies. The use of contributions for these purposes does not preclude the use or imposition of other revenue sources for these purposes.

(B) Private Regional Stormwater Control Program:

1. Where Permitted: Participation in a private regional engineered stormwater control program is permitted where a private off-site stormwater control program has been established by one or more property owners and approved by the Technical Review Committee. A development may participate in said program in lieu of any certification of runoff control required by this Article, provided that:

a. The development is within an area covered by an off-site engineered stormwater control structure;
b. Runoff from the development drains to an existing engineered stormwater control structure;
c. The parties agree to share the cost of any required maintenance and/or construction;
d. The agreement runs with the property;
e. The agreement is recorded with the county Register of Deeds in accordance with this Article;

f. The Planning Director finds that the watershed development plan is in compliance with all other applicable requirements of this Ordinance.

2. Developments participating in a private regional stormwater control program are encouraged to maintain pre-development hydrology at the project site.

19-22 VARIANCES & MODIFICATIONS

19-22.1 Watershed Variances

(A) Any person may petition the Town of Jamestown for a variance granting permission to use the person's land in a manner otherwise prohibited by this ordinance. To qualify for a variance, the petitioner must show all of the following:

(1) Unnecessary hardships would result from strict application of this ordinance.

(2) The hardships result from conditions that are peculiar to the property, such as the location, size, or topography of the property.

(3) The hardships did not result from actions taken by the petitioner.

(4) The requested variance is consistent with the spirit, purpose, and intent of this ordinance; will secure public safety and welfare; and will preserve substantial justice.

(B) The Town of Jamestown may impose reasonable and appropriate conditions and safeguards upon any variance it grants.

(C) Statutory exceptions

Notwithstanding subdivision (A) of this section, exceptions from the 50-foot landward location of built-upon area requirement as well as the deed restrictions and protective covenants requirements shall be granted in any of the following instances:

(1) When there is a lack of practical alternatives for a road crossing, railroad crossing, greenway crossing, trail crossing, sidewalk crossing, bridge, airport facility, or utility crossing as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

(2) When there is a lack of practical alternatives for a stormwater management facility; a stormwater management pond; or a utility, including, but not limited to, water, sewer, or gas construction and maintenance corridor, as long as it is located 15 feet landward of all perennial and intermittent surface waters and as long as it is located, designed, constructed, and maintained to minimize disturbance, provide maximum nutrient removal, protect against erosion and sedimentation, have the least adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practicable through the use of BMPs.

(3) A lack of practical alternatives may be shown by demonstrating that, considering the potential for a reduction in size, configuration, or density of the proposed activity and all alternative designs, the basic project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impact to surface waters.

(D) Minor Variances.

The Technical Review Committee shall review and decide requests for minor ariances to the standards and restrictions pertaining to Watershed Protection Overlay Districts. In order to approve a requested minor variance, the Technical Review Committee shall make findings of fact showing that:

(1) There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of this Ordinance;

(2) The variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and

(3)The granting of the variance assures the public safety and welfare and does substantial justice.

The Technical Review Committee may attach conditions to the minor variance approval that support the purpose of this Ordinance. In addition, in the case of water supply watersheds, the town shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the applicable designated watershed and the entity using the water supply for consumption where the minor variance is being considered.

(E) Major Variances.

Requests for major variances to the standards and restrictions pertaining to Article 19 (Watershed Protection) shall be to the N.C. Environmental

Management Commission (EMC), following review and favorable recommendation by Town Council and after review and recommendation by the Technical Review Committee in accordance with the procedure set forth above. The major variance request shall be forwarded to the EMC with a report containing the findings of fact for Town Council's favorable recommendation, conclusions of law, a recommended decision, recommended conditions and a record of the Council's hearing of the request. Requests for major variances that do not receive a favorable recommendation shall be deemed denied and shall not be forwarded to the EMC.

(E) Annual Report of Watershed Variances. The Planning Director shall keep a record of all watershed variances and this record shall be submitted for each calendar year to the North Carolina Division of Water Quality in accordance with Section 19-19, Watershed Variances and Modifications.

(F) Conditions. In approving a watershed variance, the Technical Review Committee may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property will be compatible with surrounding properties and will not alter the essential character of the neighborhood. Violations of conditions and safeguards that are part of the terms of a variance shall be deemed a violation of this Ordinance.

(G) Appeals. Appeals may be made pursuant to Section 19-16 “Appeals”.

(H) Duration. An approved watershed variance is part of an approved plan and shall have the same duration as the plan approval.

19-22.2 Watershed Modifications

(A) Purpose. Recognizing that it is sometimes possible to provide equal or better performance in furtherance of the purposes of this Ordinance through use of means other than those specified herein, the Town Council finds it to be reasonably necessary and expedient that provisions be made for flexibility in administration of specified standards in this Ordinance.

(B) Application. Proposed modifications of certain standards as applied to particular developments are properly evaluated only in conjunction with technical review of a site plan, subdivision plat, or watershed control plan. The modifications being applied for shall be portrayed on such plans and shall be approved, approved with conditions, or denied along with the approval or denial of such plans. To obtain approval of a modification, the burden shall be upon the developer or property owner to demonstrate that the alternate standards portrayed on the plan will yield equal or better performance in furtherance of the purposes of this Ordinance.

(C) Approval Body. Recognizing that the evaluation of proposed alternate means

intended to offer equal or better performance normally requires technical expertise and is best accomplished in conjunction with review of development plans, the Town Council hereby designates the Technical Review Committee to be the appropriate planning agency to approve modifications, except as otherwise provided in this Section.

(D) Watershed Modifications. Where the Technical Review Committee is authorized to grant modifications to Article 19, Watershed Protection, to accept an alternate means of accomplishing the purposes of this Ordinance, then such modifications shall only apply to provisions of this Ordinance that are more stringent than the State minimum watershed requirements. Where such requirements are State minimum requirements, then a departure from the requirements of this Ordinance shall only be considered per the requirements of Section 19-19, Watershed Variances & Modifications.

(E) Grounds for Modification. In considering modifications, the Technical Review Committee shall determine that the modification request meets one or more of the following findings:

(1) Equal or Better Performance: A finding by the Technical Review Committee that equal or better performance in furtherance of the purposes of this Ordinance will result from the alternate standards portrayed on the plan constitutes grounds for approval of a modification. The evaluation of performance shall be made with regard to one purpose if only one purpose is affected. If performance with regard to more than one purpose is affected, the evaluation shall be made with regard to overall performance in furtherance of the purposes of this Ordinance. If an alternate standard as portrayed on the plan reduces performance with regard to one or more Ordinance purposes but produces a concomitant and counterbalancing superiority of performance with regard to one or more other purposes, a modification may be approved.

(2) Physical Constraints: A finding by the Technical Review Committee that the size, topography, or existing development of the property or of adjoining areas prevents conformance with a standard constitutes grounds for approval of a modification.

(3) Other Constraints: A finding by the Technical Review Committee that a federal, state or local law or regulation prevents conformance with a standard constitutes grounds for approval of a modification.

(F) Conditions. In approving a modification, the Technical Review Committee may prescribe such reasonable and appropriate conditions and safeguards as will assure that the use of the property will be compatible with surrounding properties, and will not alter the essential character of the neighborhood, and will support the purposes of this Ordinance being maintained. Violations of conditions and safeguards that are part of the terms of modification approval shall be deemed a

violation of this Ordinance.

(G) Appeals. Appeals may be made pursuant to Section 19-16 “Appeals”.

(H) Duration. An approved modification or watershed variance is part of an approved plan and shall have the same duration as the plan approval.

SECTION 4: MAINTENANCE

19-24 GENERAL STANDARDS FOR MAINTENANCE

(A) Function of BMPs As Intended

The *owner* of each *structural BMP* installed pursuant to this ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the *structural BMP* was designed.

(B) Periodic Maintenance Inspection and Report

Generally, the Town of Jamestown will make a periodic inspection of structural BMP's to ensure compliance with this ordinance. However, some existing BMP's are not accessible by the Town of Jamestown. In this case, the person responsible for maintenance of any *structural BMP* installed pursuant to this ordinance may be required submit to the Stormwater Administrator an inspection report from one of the following persons performing services only in their area of competence: a qualified registered North Carolina professional engineer, surveyor, landscape architect, soil scientist, aquatic biologist, or person certified by the North Carolina Cooperative Extension Service for stormwater treatment practice inspection and maintenance. The inspection report shall contain all of the following:

(1) The name and address of the land *owner*;

(2) The recorded book and page number of the lot of each *structural BMP*;

(3) A statement that an inspection was made of all *structural BMP*s;

(4) The date the inspection was made;

(5) A statement that all inspected *structural BMP*s are performing properly and are in compliance with the terms and conditions of the approved maintenance agreement required by this ordinance; and

(6) The original signature and seal of the engineer, surveyor, or landscape architect.

All inspection reports shall be on forms supplied by the Stormwater Administrator. An original inspection report shall be provided to the Stormwater Administrator beginning one year from the date of as-built

certification and each year thereafter on or before the date of the as-built certification.

19-25 OPERATION AND MAINTENANCE AGREEMENT

(A) In General

Prior to the conveyance or transfer of any lot or building site to be served by a *structural BMP* pursuant to this ordinance, and prior to issuance of any permit for *development* or *redevelopment* requiring a *structural BMP* pursuant to this ordinance, the applicant or *owner* of the site must execute an operation and maintenance agreement that shall be binding on all subsequent *owner*s of the site, portions of the site, and lots or parcels served by the *structural BMP*. Until the transference of all property, sites, or lots served by the *structural BMP*, the original *owner* or applicant shall have primary responsibility for carrying out the provisions of the maintenance agreement. (Typically referred to as a Property Owner's Agreement or Home Owner's Agreement)

The operation and maintenance agreement shall require the *owner* or *owner*s to maintain, repair and, if necessary, reconstruct the *structural BMP*, and shall state the terms, conditions, and schedule of maintenance for the *structural BMP*. In addition, it shall grant to the Town of Jamestown a right of entry in the event that the Stormwater Administrator has reason to believe it has become necessary to inspect, monitor, maintain, repair, or reconstruct the *structural BMP*; however, in no case shall the right of entry, of itself, confer an obligation on the Town of Jamestown to assume responsibility for the *structural BMP*.

The operation and maintenance agreement must be approved by the Stormwater Administrator prior to plan approval, and it shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. A copy of the recorded maintenance agreement shall be given to the Stormwater Administrator within fourteen (14) days following its recordation.

(B) Special Requirement for Homeowners' and Other Associations

For all *structural BMP*s required pursuant to this ordinance and that are to be or are owned and maintained by a homeowners' association, property owners' association, or similar entity, the required operation and maintenance agreement shall include all of the following provisions:

(1) Acknowledgment that the association shall continuously operate and maintain the stormwater control and management facilities.

(2) Establishment of an escrow account, which can be spent solely for sediment removal, structural, biological or vegetative replacement,

major repair, or reconstruction of the *structural BMP*s. If *structural BMP*s are not performing adequately or as intended or are not properly maintained, the Town of Jamestown, in its sole discretion, may remedy the situation, and in such instances the Town of Jamestown shall be fully reimbursed from the escrow account. Escrowed funds may be spent by the association for sediment removal, structural, biological or vegetative replacement, major repair, and reconstruction of the *structural BMP*s, provided that the Town of Jamestown shall first consent to the expenditure.

(3) The Town of Jamestown recommends that both developer contribution and annual sinking funds should fund the escrow account. Prior to plat recordation or issuance of construction permits, whichever shall first occur, the developer should pay into the escrow account an amount equal to fifteen (15%) per cent of the initial construction cost of the *structural BMP*s, based on a cost estimate from a professional engineer (signed and sealed by the engineer). Two-thirds (2/3) of the total amount of sinking fund budget should be deposited into the escrow account within the first five (5) years and the full amount should be deposited within ten (10) years following initial construction of the *structural BMP*s. Funds should be deposited each year into the escrow account. A portion of the annual assessments of the association should include an allocation into the escrow account. Any funds drawn down from the escrow account should be replaced in accordance with the schedule of anticipated work used to create the sinking fund budget.

(4) The percent of developer contribution and lengths of time to fund the escrow account may be varied by the engineer's cost estimate, depending on the design and materials of the stormwater control and management facility.

(5) Granting to the Town of Jamestown a right of entry to inspect, monitor, maintain, repair, and reconstruct *structural BMP*s.

(6) Allowing the Town of Jamestown to recover from the association and its members any and all costs the Town of Jamestown expends to maintain or repair the *structural BMP*s or to correct any operational deficiencies. Failure to pay the Town of Jamestown all of its expended costs, after forty-five days written notice, shall constitute a breach of the agreement. In case of a deficiency, the Town of Jamestown shall thereafter be entitled to bring an action against the association and its members to pay, or foreclose upon the lien hereby authorized by the agreement against the property, or both.. Interest, collection costs, and attorney fees shall be added to the recovery.

(7) A statement that this agreement shall not obligate the Town of Jamestown to maintain or repair any *structural BMP*s, and the Town of Jamestown shall not be liable to any person for the condition or operation of *structural BMP*s.

(8) A statement that this agreement shall not in any way diminish, limit, or restrict the right of the Town of Jamestown to enforce any of its ordinances as authorized by law.

(9) A provision indemnifying and holding harmless the Town of Jamestown for any costs and injuries arising from or related to the structural BMP, unless the Town of Jamestown has agreed in writing to assume the maintenance responsibility for the BMP and has accepted dedication of any and all rights necessary to carry out that maintenance.

(10) HOA/POA documents shall also address how the required buffers shall be maintained and preserved.

19-25.1 INSPECTION PROGRAM

Inspections and inspection programs by the Town of Jamestown may be conducted or established on any reasonable basis, including but not limited to routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in BMPs; and evaluating the condition of BMPs.

The Town of Jamestown reserves the right to require owners to hire a registered professional engineer licensed to operate in NC for the purposes of inspecting devices in the event that the Town of Jamestown can not access the BMP or for the purposes of certified sediment levels, soil medium efficiency, or other requirements to ensure that the BMP is operating as desiged.

If the *owner* or occupant of any property refuses to permit such inspection, the Stormwater Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor. No person shall obstruct, hamper or interfere with the Stormwater Administrator while carrying out his or her official duties.

19-25.2 PERFORMANCE SECURITY FOR INSTALLATION AND MAINTENANCE

(A) May Be Required

The Town of Jamestown may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit or other acceptable legal arrangement prior to issuance of a permit in order to ensure that the *structural BMP*s are

(1) installed by the permit holder as required by the approved stormwater management plan**,** and/or

(2) maintained by the *owner* as required by the operation and maintenance agreement.

(B) Amount

(1) Installation

The amount of an installation performance security shall be the total estimated construction cost of the BMPs approved under the permit, plus a contingency amount to be determined by the Town of Jamestown, not to exceed 150% of the total project cost.

(2) Maintenance

The amount of a maintenance performance security shall be the present value of an annuity of perpetual duration based on a reasonable estimate of the annual costs of inspection, operation and maintenance of the BMPs approved under the permit, at a discount rate that reflects the jurisdiction's cost of borrowing minus a reasonable estimate of long-term inflation. This estimate shall be based on a cost estimate prepared (and signed and sealed) by a professional engineer licensed to operate in North Carolina.

Some annual maintenance cost estimates for BMPs in North Carolina are available in Wassick and Hunt, "An Evaluation of Costs and Benefits of Structural Stormwater Best Management Practices in North Carolina," N.C. Extension Service, available online as of 3/16/05 at http://www.bae.ncsu.edu/people/faculty/hunt/bmpcosts&benefits.pdf. Uses of Performance Security

(3) Forfeiture Provisions

The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain any actions which may be required of the

applicant or *owner* in accordance with this ordinance, approvals issued pursuant to this ordinance, or an operation and maintenance agreement established pursuant to this ordinance.

(4) Default

Upon default of the *owner* to construct, maintain, repair and, if necessary, reconstruct any *structural BMP* in accordance with the applicable permit or operation and maintenance agreement, the Stormwater Administrator shall obtain and use all or any portion of the security to make necessary improvements based on an engineering estimate. Such expenditure of funds shall only be made after requesting the *owner* to comply with the permit or maintenance agreement. In the event of a default triggering the use of installation performance security, the Town of Jamestown shall not return any of the unused deposited cash funds or other security, which shall be retained for maintenance.

(5) Costs in Excess of Performance Security

If the Town of Jamestown takes action upon such failure by the applicant or *owner*, the Town of Jamestown may collect from the applicant or *owner* the difference between the amount of the reasonable cost of such action and the amount of the security held, in addition to any other penalties or damages due.

(6) Refund

Within sixty days of the final approval, the installation performance security shall be refunded to the applicant or terminated, except any amount attributable to the cost (plus % contingency) of ongoing construction associated with the BMPs covered by the security (i.e.-Landscaping). Any such ongoing construction or landscaping shall be inspected within six (6) months after installation for compliance with the approved plans and specifications and, if in compliance, the portion of the financial security attributable to landscaping shall be released.

19-25.3 NOTICE TO *OWNER*S

(A) Deed Recordation and Indications On Plat

The applicable operations and maintenance agreement, conservation easement, or dedication and acceptance into public maintenance (whichever is applicable), pertaining to every *structural BMP* and required buffers shall be referenced on the final plat and shall be recorded with the county Register of Deeds upon final plat approval. If no subdivision plat is

recorded for the site, then the operations and maintenance agreement, conservation easement, or dedication and acceptance into public maintenance, whichever is applicable, shall be recorded with the county Register of Deeds so as to appear in the chain of title of all subsequent purchasers under generally accepted searching principles.

19-25.4 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES

The *owner* of each *structural BMP* should keep records of inspections, maintenance, and repairs for at least five years from the date of creation of the record and shall submit the same upon reasonable request to the Stormwater Administrator.

19-25.5 NUISANCE

The *owner* of each stormwater BMP, whether *structural* or non-*structural BMP*, shall maintain it so as not to create or result in a nuisance condition.

19-25.6 MAINTENANCE EASEMENT

Every *structural BMP* installed pursuant to this ordinance shall be made accessible for adequate maintenance and repair by an access easement. The easement shall be recorded on a final plat at the County Register of Deeds.

SECTION 5: ENFORCEMENT AND VIOLATIONS

19-26 GENERAL

(A) Authority to Enforce

The provisions of this ordinance shall be enforced by the Stormwater Administrator, his or her designee, or any authorized agent of the Town of Jamestown. Whenever this section refers to the Stormwater Administrator, it includes his or her designee as well as any authorized agent of the Town of Jamestown.

(B) Violation Unlawful

Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this ordinance, or the terms or conditions of any permit or other *development* or *redevelopment* approval or authorization granted pursuant to this ordinance, is unlawful and shall constitute a violation of this ordinance.

(C) Each Day a Separate Offense

Each day that a violation continues shall constitute a separate and distinct violation or offense.

(D) Responsible Persons/Entities

Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, BMP, practice, or condition in violation of this ordinance shall be subject to the remedies, penalties, and/or enforcement actions in accordance with this section. Persons subject to the remedies and penalties set forth herein may include any architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that results in or constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists; or an *owner*, any tenant or occupant, or any other person, who has control over, or responsibility for, the use or *development* of the property on which the violation occurs.

For the purposes of this article, responsible person(s) shall include but not be limited to:

(1) Person Maintaining Condition Resulting In or Constituting Violation

An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this ordinance, or fails to take appropriate action, so that a violation of this ordinance results or persists.

(2) Responsibility For Land or Use of Land

The *owner* of the land on which the violation occurs, any tenant or occupant of the property, any person who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, *development* or *redevelopment* of the property.

19-26.1 REMEDIES AND PENALTIES

The remedies and penalties provided for violations of this ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

1. **Remedies**

a) Withholding of Certificate of Occupancy

The Stormwater Administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

b) Disapproval of Subsequent Permits and Development Approvals

As long as a violation of this ordinance continues and remains uncorrected, the Stormwater Administrator or other authorized agent may withhold, and the Town of Jamestown Planning Board, Town Council, and/or TRC may disapprove, any request for permit or *development* approval or authorization provided for by this ordinance or the Town of Jamestown Land Development Ordinance for the land on which the violation occurs.

c) Injunction, Abatements, etc.

The Stormwater Administrator, with the written authorization of the Town Manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this ordinance. Any person violating this ordinance shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

d) Correction as Public Health Nuisance, Costs as Lien, etc.

If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by North Carolina G.S. § 160A-193, the Stormwater Administrator, with the authorization of the Town Manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

e) Stop Work Order

The Stormwater Administrator may issue a stop work order to the person(s) violating this ordinance. The stop work or "notice of violation" order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

2. **Civil Penalties**

Violations of this ordinance may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the Stormwater Administrator. Civil penalties may be assessed up to the full amount of penalty to which the Town of Jamestown is subject for violations of its Phase II Stormwater permit, or if no Phase II Stormwater permit exists for the jurisdiction, civil penalties may be assessed up to the full amount allowed by law.

19-26.2 PROCEDURES

(A) Initiation/Complaint

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the alleged violation and the basis thereof, and shall be filed with the Stormwater Administrator, who shall record the complaint. The complaint shall be investigated promptly by the Stormwater Administrator.

(B) Inspection

The Stormwater Administrator shall have the authority, upon presentation of proper credentials, to enter and inspect any land, building, structure, or premises to ensure compliance with this ordinance.

(C) Notice of Violation and Order to Correct

When the Stormwater Administrator finds that any building, structure, or land is in violation of this ordinance, the Stormwater Administrator shall notify, in writing, the property *owner* or other person violating this ordinance. The notification shall indicate the nature of the violation, contain the address or other description of the site upon which the violation is occurring, order the necessary action to abate the violation, and give a deadline for correcting the violation. If civil penalties are to be assessed, the notice of violation shall also contain a statement of the civil penalties to be assessed, the time of their accrual, and the time within which they must be paid or be subject to collection as a debt.

The Stormwater Administrator may deliver the notice of violation and correction order personally, by the Zoning Enforcement Officer, by certified or registered mail, return receipt requested, or by any means authorized for the service of documents by Rule 4 of the North Carolina Rules of Civil Procedure.

If a violation is not corrected within a reasonable period of time, as provided in the notification, the Stormwater Administrator may take appropriate action under this ordinance to correct and abate the violation and to ensure compliance with this ordinance.

(D) Extension of Time

A person who receives a notice of violation and correction order, or the *owner* of the land on which the violation occurs, may submit to the Stormwater Administrator a written request for an extension of time for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Stormwater Administrator may extend the time limit as is reasonably necessary to allow timely correction of the violation, up to, but not exceeding 180 days. The Stormwater Administrator may grant 30-day extensions in addition to the foregoing extension if the violation cannot be corrected within the permitted time due to circumstances beyond the control of the person violating this ordinance. The Stormwater Administrator may grant an extension only by written notice of extension. The notice of extension shall state the date prior to which correction must be made, after which the violator will be

subject to the penalties described in the notice of violation and correction order.

(E) Enforcement After Time to Correct

After the time has expired to correct a violation, including any extension(s) if authorized by the Stormwater Administrator, the Stormwater Administrator shall determine if the violation is corrected. If the violation is not corrected, the Stormwater Administrator may act to impose one or more of the remedies and penalties authorized by this ordinance.

(F) Emergency Enforcement

If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose an immediate danger to the public health, safety, or welfare, then the Stormwater Administrator may order the immediate cessation of a violation. Any person so ordered shall cease any violation immediately. The Stormwater Administrator may seek immediate enforcement, without prior written notice, through any remedy or penalty authorized by this article.

SECTION 6: BUFFER REQUIREMENTS FOR SURFACE WATERS

**** The following section deals specifically with buffer requirements for surface waters. This section was added as an amendment on October 19, 2010, in response to NCDENR's updates to the Randleman Lake Buffer Rules. There may be discrepancies in some areas including, but not limited to, enforcement, variances, applicability, and mitigation. The language in this section shall rule regarding buffer requirements and shall supersede other requirements. While these rules were crafted specifically for the Randleman Lake Watersheds, they shall be applicable to ALL watersheds with the jurisdiction of the Town of Jamestown.**

19-27 Purpose and Intent

The purpose of the Town of Jamestown in adopting the following Ordinance is to protect and preserve existing riparian buffers throughout all watersheds including, but not limited to, the Randleman Lake Watershed as generally described in Rule 15A NCAC 02B .0250(Randleman Lake Water Supply Watershed: Nutrient Management Strategy), in order to maintain their nutrient removal and stream protection functions. Additionally this Ordinance will help protect the water supply uses of all bodies of water in each watershed within the Town of Jamestown's jurisdiction.

Buffers adjacent to streams provide multiple environmental protection and resource management benefits. Forested buffers enhance and protect the natural ecology of stream systems, as well as water quality through bank stabilization, shading, and nutrient removal. They also help to minimize flood damage in flood prone areas. Well-vegetated streamside riparian areas help to remove nitrogen and prevent sediment and sediment-bound pollutants such as phosphorous from reaching the streams.

19-27.1 Jurisdiction

This Ordinance shall be applied to all land in the planning jurisdiction of the Town of Jamestown that is located within a water supply watershed.

19-27.2 Applicability

This Ordinance applies to all landowners and other persons conducting activities in the area described in 19-27.1, with the exception of activities conducted under the authority of the State, the United States, multiple jurisdictions, or local units of government, and forest harvesting and agricultural activities. The NC Division of Water Quality shall administer the requirements for protection of existing riparian buffers and mitigation of existing riparian buffers for these activities.

19-27.3 Relation to Other Ordinances

The requirements of this Ordinance shall supersede all locally implemented buffer requirements as applied to WS-II, WS-III, and WS-IV waters. If the provisions of this ordinance otherwise conflict with the provisions of any other validly enforceable

ordinance(s) or laws, the most stringent provisions shall control. This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, or other provision of law.

19-27.4 Riparian Area Protection Within Watersheds

A. **Buffers Protected**

The following minimum criteria shall be used for identifying regulated buffers:

1. This Ordinance shall apply to activities conducted within 50-foot wide riparian buffers directly adjacent to surface waters in any watershed (intermittent streams, perennial streams, lakes, reservoirs, ponds and specified ditches), excluding wetlands.
2. Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the riparian buffer but are regulated pursuant to Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.
3. For the purpose of this Ordinance, surface waters shall be subject to the requirements of this Ordinance if they are approximately shown on any of the following references, or if there is other site specific evidence that indicates to the Town of Jamestown the presence of waters not shown on any of these maps:
   - **a.** The most recent version of the hardcopy soil survey maps prepared by the Natural Resources Conservation Service of the United States Department of Agriculture.
   - **b.** The most recent version of the United States Geologic Survey (USGS) 1:24,000 scale (7.5 minute) quadrangle topographic maps.
   - **c.** A map approved by the Geographic Information Coordinating Council and by the NC Environmental Management Commission. Prior to approving a map under this Item, the Commission shall provide a 30-day public notice and opportunity for comment.

   A map developed by the local government and approved by the NC Environmental Management Commission per 15A NCAC 02B .0250(4)(c).
4. Where the specific origination point of a stream regulated under this item is in question, upon request of the NC Division of Water Quality or another party, the Town of Jamestown shall make an on-site determination. A Town of Jamestown representative who has successfully completed the Division's *Surface Water Identification Training Certification* course, its successor, or other equivalent training curriculum approved by the Division, shall establish that point using the latest version of the Division publication, , *Identification Methods for the Origins of Intermittent and Perennial Streams, v 3.1 February 28, 2005* available at: http://portal.ncdenr.org/web/wq/swp/ws/401/waterresources/streamdeter

minations or from the NC Division of Water Quality - 401 Oversight Express Permitting Unit, or its successor. The Town of Jamestown may accept the results of a site assessment made by another party who meets these criteria. Any disputes over on-site determinations made according to this Item shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. The Director's determination is subject to review as provided in Articles 3 and 4 of G.S. 150B.

5. Riparian buffers protected by this Ordinance shall be measured pursuant to Section 19-27.4 (D) of this Ordinance.

6. Parties subject to this Ordinance shall abide by all State rules and laws regarding waters of the state including, but not limited to, Rules 15A NCAC 2B .0230 and .0231, Rules 15A NCAC 2H .0500, 15A NCAC 2H .1300, and Sections 401 and 404 of the Federal Water Pollution Control Act.

B. Exemption Based on On–site Determination

When a landowner or other affected party, including the Division, believes that the maps have inaccurately depicted surface waters, he or she shall consult the Town of Jamestown. Upon request, a Town of Jamestown representative who has successfully completed the Division of Water Quality's *Surface Water Identification Training Certification* course, its successor, or other equivalent training curriculum approved by the Division, shall make an on-site determination. The Town may also accept the results of site assessments made by other parties who have successfully completed such training. Any disputes over on-site determinations shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. A determination by the Director as to the accuracy or application of the maps is subject to review as provided in Articles 3 and 4 of G.S. 150B. Surface waters that appear on the maps shall not be subject to these buffer requirements if a site evaluation reveals any of the following cases:

1. Ditches and manmade conveyances, to include manmade stormwater conveyances, other than modified natural streams, unless the ditch or manmade conveyance delivers untreated stormwater runoff from an adjacent source directly to an intermittent or perennial stream.
2. Areas mapped as intermittent streams, perennial streams, lakes, ponds, or estuaries on the most recent versions of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographic maps, hard-copy soil survey maps, or other EMC approved stream maps where no perennial waterbody, intermittent waterbody, lake, pond or estuary actually exists on the ground.
3. Ephemeral streams.
4. Ponds and lakes created for animal watering, irrigation, or other agricultural uses that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0100. Ponds are part

of the natural drainage way when they are hydrologically connected (i.e. the pond is fed by an intermittent or perennial stream) or when they have a direct discharge point to an intermittent or perennial stream.

C. **Exemption when Existing Uses are Present and Ongoing**

This Ordinance shall not apply to uses that are existing and ongoing; however, this Ordinance shall apply at the time an existing, ongoing use is changed to another use. Change of use shall involve the initiation of any activity that does not meet either of the following criteria for existing, ongoing activity:

1. It was present within the riparian buffer as of the effective date of the original Ordinance. this Ordinance and has continued to exist since that time. Existing uses shall include agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems, any of which involve either specific, periodic management of vegetation or displacement of vegetation by structures or regular activity. Only the portion of the riparian buffer occupied by the footprint of the existing use is exempt from this Ordinance. Change of ownership through purchase or inheritance is not a change of use. Activities necessary to maintain uses are allowed provided that the site remains similarly vegetated, no impervious surface is added within 50 feet of the surface water where it did not previously exist as of the effective date of this Ordinance, and existing diffuse flow is maintained. Grading and revegetating Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised, the ground is stabilized and existing diffuse flow is maintained.
2. Projects or proposed development that are determined by the Town of Jamestown to meet at least one of the following criteria:
   a. Project requires a 401 Certification/404 Permit and these were issued prior to the effective date this Ordinance, and prior to the effective date of this Ordinance.
   b. Projects that require a state permit, such as landfills, NPDES wastewater discharges, land application of residuals and road construction activities, have begun construction or are under contract to begin construction and had received all required state permits and certifications prior to the effective date of this Ordinance;
   c. Projects that are being reviewed through the Clean Water Act Section 404/National Environmental Policy Act Merger 01 Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor and have reached agreement with DENR on avoidance and minimization by the effective date of this Ordinance; or
   d. Projects that are not required to be reviewed by the Clean Water Act Section 404/National Environmental Policy Act Merger 01

Process (published by the US Army Corps of Engineers and Federal Highway Administration, 2003) or its immediate successor if a Finding of No Significant Impact has been issued for the project and the project has the written approval of the Town prior to the effective date of this Ordinance.

D. **Zones of the Riparian Buffer**

The protected riparian buffer shall have two zones as follows:

1. Zone One shall consist of a vegetated area that is undisturbed except for uses provided for in the Table of Uses, 19-27.5 (B) of this Ordinance. The location of Zone One shall be as follows:

a. For intermittent and perennial streams, Zone One shall begin at the top of the bank and extend landward a distance of 30 feet on all sides of the surface water, measured horizontally on a line perpendicular to a vertical line marking the top of the bank.

b. For ponds, lakes and reservoirs located within a natural drainage way, Zone One shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to a vertical line marking the normal water level.

2. Zone Two shall consist of a stable, vegetated area that is undisturbed except for uses provided for in the Table of Uses, 19-27.5 (B) of this Ordinance. Grading and revegetating in Zone Two is allowed provided that the health of the vegetation in Zone One is not compromised. Zone Two shall begin at the outer edge of Zone One and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones One and Two shall be 50 feet on all sides of the surface water.

Classification	Low Density Development		High Density Development		
Perennial Surface Waters (Streams, Lakes, and Ponds)	50 feet	50 feet	100 Feet		
	Zone 1 30 Feet	Zone 2 20 Feet	Zone 1 30 Feet	Zone 2 20 Feet	Zone 3 50 Feet
Intermittent Surface Waters (Streams, Lakes and Ponds)	50 Feet		50 Feet		
	Zone 1 30 Feet	Zone 2 20 Feet	Zone 1 30 Feet	Zone 2 20 Feet	

E. Diffuse Flow Requirements

Diffuse flow of runoff shall be maintained in the riparian buffer by dispersing concentrated flow prior to its entry into the buffer and reestablishing vegetation

as follows:

1. Concentrated runoff from new ditches or man-made conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters Zone Two of the riparian buffer;
2. Periodic corrective action to restore diffuse flow shall be taken as necessary and shall be designed to impede the formation of erosion gullies; and
3. As set out this Ordinance, The Zones of the Riparian Buffer and Table of Uses respectively, no new stormwater conveyances are allowed through the buffers except for those specified in the Table of Uses, 19-27.5 of this Ordinance, addressing stormwater management ponds, drainage ditches, roadside ditches, and stormwater conveyances.

19-27.5 Potential Uses and Associated Requirements

A. Approval for New Development

The Town of Jamestown shall issue an approval for new development only if the development application proposes to avoid impacts to riparian buffers defined in 19-27.4 (A)of this Ordinance, or where the application proposes to impact such buffers, it demonstrates that the applicant has done the following, as applicable:

1. Determined the activity is exempt from requirements of this Ordinance;
2. Received an Authorization Certificate from the Town of Jamestown pursuant to 19-27.6 (A) of this Ordinance;
3. For uses designated as Allowable with Mitigation in the Table of Uses in 19-27.5 (B), received approval of mitigation plan pursuant to 19-27.6 (C) of this Ordinance; and
4. Received a variance pursuant to 19-27.6 (B).

B. Table of Uses

The following chart sets out potential new uses within the buffer and categorizes them as exempt, allowable, or allowable with mitigation. All uses not categorized as exempt, allowable, or allowable with mitigation are considered prohibited and may not proceed within the riparian buffer or outside the buffer if the use would impact the buffer, unless a variance is granted pursuant to 19-27.6 (B) of this Ordinance, Variances. The requirements for each category are given in 19-27.5 (C) of this Section following the Table of Uses.

Use	Exempt*	Allowable*	Allowable with Mitigation*
Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities:			
• Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the riparian buffer	X		
• Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Ordinance or impervious surface is added to the riparian buffer		X	
Airport facilities:			
• Airport facilities that impact equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
• Airport facilities that impact greater than 150 linear feet or one-third of an acre of riparian buffer		X	X
• Activities necessary to comply with FAA requirements (e.g. radar uses or landing strips)[1]			

Use	Exempt*	Allowable*	Allowable with Mitigation*
Archaeological activities • In Zones 1and 2 and are designed, constructed and maintained to provide the maximum sediment removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical	X		
Bridges		X	
Canoe Access provided that installation and use does not result in removal of trees as defined in this Ordinance and no impervious surface is added to the buffer.	X		
Dam maintenance activities: • Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit • Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit	X	X	

Use	Exempt*	Allowable*	Allowable with Mitigation*
Drainage ditches, roadside ditches and stormwater conveyances through riparian buffers:			
• New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to waterbodies.	X	X	
• Realignment of existing roadside drainage ditches retaining the design dimensions, provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations.		X	
• New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer			X
• New drainage ditches, roadside ditches and stormwater conveyances applicable to linear projects that do not provide a stormwater management facility due to topography constraints provided that other practicable BMPs are employed.			

Use	Exempt*	Allowable*	Allowable with Mitigation*
Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of Sec. 19-27.4 (D) & (E) of this Ordinance is established adjacent to the new channel.	X		

Driveway crossings of streams and other surface waters subject to this Ordinance:			
• Driveway crossings on single family residential lots that disturb equal to or less than 25 linear feet or 2,500 square feet of riparian buffer	X		
• Driveway crossings on single family residential lots that disturb greater than 25 linear feet or 2,500 square feet of riparian buffer		X	
• In a subdivision that cumulatively disturb equal to or less than 150 linear feet or one-third of an acre of riparian buffer		X	
• In a subdivision that cumulatively disturb greater than 150 linear feet or one-third of an acre of riparian buffer			X
Driveway impacts other than crossing of a stream or other surface waters subject to this Ordinance			X

Use	Exempt*	Allowable*	Allowable with Mitigation*
Fences: • Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in this Ordinance • Fences provided that disturbance is minimized and installation results in removal of trees as defined in this Ordinance	X	X	
Fertilizer application: one-time application to establish vegetation	X		
Grading and revegetation in Zone Two provided that diffuse flow and the health of existing vegetation in Zone One is not compromised and disturbed areas are stabilized until they are revegetated.	X		
Greenway / hiking trails designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical.		X	
Historic preservation: Designed, constructed and maintained to provide the maximum nutrient removal and erosion protection, to have the least adverse effects on aquatic life and habitat, and to protect water quality to the maximum extent practical.	X		

Use	Exempt*	Allowable*	Allowable with Mitigation*
Maintenance access on modified natural streams: a grassed travel way on one side of the water body when less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading.		X	
Mining activities: • Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements of Sec. 19-27.4 (D) & (E) of this Ordinance are established adjacent to the relocated channels • Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements of Sec. 19-27.4 (D) & (E) of this Ordinance are not established adjacent to the relocated channels • Wastewater or mining dewatering wells with approved NPDES permit	X	X X	X
Playground equipment: • Playground equipment on single family lots provided that installation and use does not result in removal of vegetation • Playground equipment installed on lands other than single-family lots or that requires removal of vegetation	X	X	

Use	Exempt*	Allowable*	Allowable with Mitigation*
Ponds in natural drainage ways, excluding dry ponds: • New ponds provided that a riparian buffer that meets the requirements of Sec. 19-27.4 (D) & (E) of this Ordinance is established adjacent to the pond • New ponds where a riparian buffer that meets the requirements Sec. 19-27.4 (D) & (E) of this Ordinance is NOT established adjacent to the pond		X	X
Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel		X	
Railroad impacts other than crossings of streams and other surface waters subject to this Ordinance.			X
Railroad crossings of streams and other surface waters subject to this Ordinance: • Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer • Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer	X	X	X

Use	Exempt*	Allowable*	Allowable with Mitigation*
Recreational and accessory structures:			
• Sheds and gazebos in Zone Two, provided they are not prohibited under local water supply ordinance:		X	
o Total footprint less than or equal to 150 square feet per lot.			X
o Total footprint greater than 150 square feet per lot.			
• Wooden slatted decks and associated steps, provided the use meets the requirements of Sec. 19-27.4 (D) & (E) of this Ordinance:		X	
o Deck at least eight feet in height and no vegetation removed from Zone One.			X
o Deck less than eight feet in height or vegetation removed from Zone One.			
Removal of previous fill or debris provided that diffuse flow is maintained and vegetation is restored	X		
Road impacts other than crossings of streams and other surface waters subject to this Ordinance			X

Use	Exempt*	Allowable*	Allowable with Mitigation*
Road crossings of streams and other surface waters subject to this Ordinance: • Road crossings that impact equal to or less than 40 linear feet of riparian buffer • Road crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Road crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer	X	X	X
Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety: • Less than or equal to 2,500 square feet of buffer impact • Greater than 2,500 square feet of buffer impact		X	X
Stormwater BMPs: • Wet detention, bioretention, and constructed wetlands in Zone Two if diffuse flow of discharge is provided into Zone One • Wet detention, bioretention, and constructed wetlands in Zone One		X	X
Scientific studies and stream gauging: In Zones One and Two if they are designed, constructed and maintained to protect water quality to the maximum extent practical.	X		
Streambank or shoreline stabilization		X	

Use	Exempt*	Allowable*	Allowable with Mitigation*
Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years, the restored buffer shall comply with the restoration criteria of this Ordinance:	X		
• Less than or equal to 2,500 square feet of buffer disturbance		X	
• Greater than 2,500 square feet of buffer disturbance		X	
• Associated with culvert installation or bridge construction or replacement.			

Use	Exempt*	Allowable*	Allowable with Mitigation*
Temporary sediment and erosion control devices, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation: At the end of five years, the restored buffer shall comply with the restoration criteria of this Ordinance:	X		
• In Zone Two provided ground cover is established within timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone One is not compromised, and runoff is released as diffuse flow in accordance with Sec. 19-27.4 (E) of this Ordinance.		X	
• In Zones One and Two to control impacts associated with uses approved by the Town or that have received a variance, provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer.	X		
• In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act.		X	
• In-stream temporary erosion and sediment control measures for work within a stream channel.			

Use	Exempt*	Allowable*	Allowable with Mitigation*
Utility, electric, aerial, perpendicular crossings of streams and other surface waters subject to this Ordinance [2,3,5]:	X		
• Disturb equal to or less than 150 linear feet of riparian buffer		X	
• Disturb greater than 150 linear feet of riparian buffer			
Utility, electric, aerial, other than perpendicular crossings [5]:			
• Impacts in Zone Two		X	
• Impacts in Zone One [2,3]			X
Utility, electric, underground, perpendicular crossings [3,4,5]:			
• Disturb less than or equal to 40 linear feet of riparian buffer	X		
• Disturb greater than 40 linear feet of riparian buffer		X	
Utility, electric, underground, other than perpendicular crossings [4]:			
• Impacts in Zone Two	X		
• Impacts in Zone One [1]	X		

Use	Exempt*	Allowable*	Allowable with Mitigation*
Utility, non-electric, perpendicular crossings of streams and other surface waters subject to this Ordinance [4,5]:	X		
• Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width		X	
• Disturb equal to or less than 40 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width		X	
• Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor equal to or less than 10 feet in width			X
• Disturb greater than 40 linear feet but equal to or less than 150 linear feet of riparian buffer with a maintenance corridor greater than 10 feet in width			X
• Disturb greater than 150 linear feet of riparian buffer			
Utility, non-electric, other than perpendicular crossings [4,5]:			
• Impacts in Zone Two		X	
• Impacts in Zone One [1]			X

Use	Exempt*	Allowable*	Allowable with Mitigation*
Vegetation management:			
• Emergency fire control measures provided that topography is restored	X		
• Mowing or harvesting of plant products in Zone Two	X X		
• Planting vegetation to enhance the riparian buffer	X		
• Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	X		
• Removal of individual trees that are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering stability of the streambank.	X X		
• Removal of individual trees which are dead, diseased or damaged.	X		
• Removal of poison ivy			
• Removal of invasive exotic vegetation as defined in: *Smith, Cherri L. 1998. Exotic Plant Guidelines. Dept. of Environment and Natural Resources. Division of Parks and Recreation. Raleigh, NC. Guideline #30*			
• Vehicular access roads leading to water-dependent structures as defined in 15A NCAC 02B .0202, provided they do not cross the surface water and have minimum practicable width not exceeding ten feet.		X	

Use	Exempt*	Allowable*	Allowable with Mitigation*
• Water dependent structures as defined in 15A NCAC 02B .0202 where installation and use result in disturbance to riparian buffers.		X	
Water supply reservoirs: • New reservoirs where a riparian buffer that meets the requirements of Sec. 19-27.4 (D) & (E) of this Ordinance is established adjacent to the reservoir • New reservoirs where a riparian buffer that meets the requirements of Sec. 19-27.4 (D) & (E) of this Ordinance is not established adjacent to the reservoir		X	X
Water wells • Single family residential water wells • All other water wells	X	X	
Wetland, stream and buffer restoration that results in impacts to the riparian buffers: • Wetland, stream and buffer restoration that requires NC Division of Water Quality approval for the use of a 401 Water Quality Certification • Wetland, stream and buffer restoration that does not require Division of Water Quality approval for the use of a 401 Water Quality Certification	X	X	
Wildlife passage structures		X	

* To qualify for the designation indicated in the column header, an activity must adhere to the limitations defined for it in a given listing as well as the

requirements established in Sec. 19-27.5 of this Ordinance.

[1]Provided that:

- No heavy equipment is used in Zone One.
- Vegetation in undisturbed portions of the buffer is not compromised.
- Felled trees are removed by chain.
- No permanent felling of trees occurs in protected buffers or streams.
- Stumps are removed only by grinding.
- At the completion of the project the disturbed area is stabilized with native vegetation.
- Zones one and two meet the requirements of Sec. 19-27.4 (D) & (E).

[2]Provided that, in Zone One, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the Town as defined in Sec. 19-27.6 (A).

- A minimum zone of 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
- Riprap shall not be used unless it is necessary to stabilize a tower.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

[3]Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless the Town completes a no practical alternative evaluation as defined in Sec. 19-27.6 (A).

[4]Provided that, in Zone One, all of the following BMPs for underground utility lines are used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Town, as defined in Sec. 19-27.6 (A).

- Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
- Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench where trees are cut.

- Underground cables shall be installed by vibratory plow or trenching.
- The trench shall be backfilled with the excavated soil material immediately following cable installation.
- No fertilizer shall be used other than a one-time application to re-establish vegetation.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- Measures shall be taken upon completion of construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
- In wetlands, mats shall be utilized to minimize soil disturbance.

[5]Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.

C. **Requirements for Categories of Uses**

Uses designated in Sec. 19-27.5 (B) of this Section as exempt, allowable, and allowable with mitigation within a riparian buffer shall have the following requirements:

1. Exempt.
   Uses designated as exempt are permissible without authorization by the Town provided that they adhere to the limitations of the activity as defined in Sec. 19-27.5 (B) of this Section, the Table of Uses. In addition, exempt uses shall be designed, constructed and maintained to minimize soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities.
2. Allowable.
   Uses designated as allowable may proceed provided that there are no practical alternatives to the requested use pursuant to Sec. 19-27.6 (A) of this Section. This includes construction, monitoring, and maintenance activities. These uses require written authorization from the Town of Jamestown.
3. Allowable with Mitigation.
   Uses designated as allowable with mitigation may proceed provided that there are no practical alternatives to the requested use pursuant to Sec. 19-27.6 (A) of this Section and an appropriate mitigation strategy has been approved pursuant to Sec. 19-27.6 (C). These uses require written authorization from the Town of Jamestown

19-27.6 Permits Procedures, Requirements, and Approvals

A. Determination of No Practical Alternatives / Request for Authorization Certificate

1. Persons who wish to undertake uses designated as allowable or allowable with mitigation shall submit a request for a “no practical

alternatives" determination to the Town of Jamestown. The applicant shall certify that the project meets all the following criteria for finding "no practical alternatives":

a. The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality;
b. The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality; and
c. Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

2. The applicant shall also submit at least the following information in support of their assertion of "no practical alternatives":
   a. The name, address and phone number of the applicant;
   b. The nature of the activity to be conducted by the applicant;
   c. The location of the activity, including the jurisdiction;
   d. A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in riparian buffers associated with the activity, and the extent of riparian buffers on the land;
   e. An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality; and
   f. Plans for any best management practices proposed to be used to control the impacts associated with the activity.
3. Within 60 days of a submission that addresses Sec. 19-27.6 (A)(2) , the Town of Jamestown shall review the entire project and make a finding of fact as to whether the criteria in Sec. 19-27.6 (A)(1) of this Section have been met. A finding of "no practical alternatives" shall result in issuance of an Authorization Certificate. Failure to act within 60 days shall be construed as a finding of "no practical alternatives" and an Authorization Certificate shall be issued to the applicant unless one of the following occurs:
   a. The applicant agrees, in writing, to a longer period;
   b. The Town determines that the applicant has failed to furnish requested information necessary to the Town decision;
   c. The final decision is to be made pursuant to a public hearing; or
   d. The applicant refuses access to its records or premises for the purpose of gathering information necessary to the Town's decision.
4. The Town may attach conditions to the Authorization Certificate that support the purpose, spirit and intent of this Ordinance.
5. Any appeals of determinations regarding Authorization Certificates shall be referred to the Director of the Division of Water Quality, c/o

the 401 Oversight Express Permitting Unit, or its successor. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.

B. **Variances**

1. **Requirements for Variances.**
Persons who wish to undertake prohibited uses may pursue a variance. The Town of Jamestown may grant minor variances. For major variances, the Town of Jamestown shall prepare preliminary findings and submit them to the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor for approval by the Environmental Management Commission. The variance request procedure shall be as follows:

a. For any variance request, the Town of Jamestown shall make a finding of fact as to whether there are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements. A finding of practical difficulties or unnecessary hardships shall require that the following conditions are met:

If the applicant complies with the provisions of this Ordinance, he/she can secure no reasonable return from, nor make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit from the property shall not be considered adequate justification for a variance. Moreover, the Town of Jamestown shall consider whether the variance is the minimum possible deviation from the terms of this Ordinance that shall make reasonable use of the property possible;

The hardship results from application of this Ordinance to the property rather than from other factors such as deed restrictions or other hardship;

The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, such that compliance with provisions of this ordinance would not allow reasonable use of the property;

The applicant did not cause the hardship by knowingly or unknowingly violating this Ordinance;

The hardship is rare or unique to the applicant's property.

The variance is in harmony with the general purpose and intent of the State's riparian buffer protection requirements and this Ordinance and preserves its spirit; and

In granting the variance, the public safety and welfare have been assured, water quality has been protected, and substantial justice has been done.

2. Minor Variances

A minor variance request pertains to activities that will impact only Zone Two of the riparian buffer. Minor variance requests shall be reviewed and approved based on the criteria in Sec. 19-27.6 (A)(1) through Sec. 19-27.6 (A)(3) by the Town pursuant to G.S. 153A-Article 18, or G.S. 160A-Article 19. The Town may attach conditions to the variance approval that support the purpose, spirit and intent of the riparian buffer protection program. Request for appeals to decisions made by the Town shall be made in writing to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.

3. Major Variances

A major variance request pertains to activities that will impact any portion of Zone One or any portion of both Zones One and Two of the riparian buffer. If the Town of Jamestown has determined that a major variance request meets the requirements in Sec. 19-27.6 (B)(1)), then it shall prepare a preliminary finding and submit it to the NC Environmental Management Commission c/o the Division of Water Quality, 401 Oversight Express Permitting Unit, or its successor, for approval. Within 90 days after receipt by the Town, the Commission shall review preliminary findings on major variance requests and take one of the following actions: approve, approve with conditions and stipulations, or deny the request. Appeals from a Commission decision on a major variance request are made on judicial review to Superior Court.

C. **Mitigation**

1. **Application**

This item shall apply to persons who wish to impact a riparian buffer in the Randleman Lake watershed when one of the following applies:

a. A person has received an Authorization Certificate pursuant to Sec. 19-27.6 (A) of this Ordinance for a proposed use that is designated as "allowable with mitigation;" or

b. A person has received a variance pursuant to Sec. 19-27.6 (B) of this Ordinance and is required to perform mitigation as a condition of a variance approval.

2. Issuance of the Mitigation Approval

The Town of Jamestown shall issue a mitigation approval upon determining that a proposal meets the requirements set out in this Ordinance. The approval shall identify at a minimum the option chosen, the required and proposed areas, and either the mitigation location or the offset payment amount as applicable.

3. **Options for Meeting the Mitigation Requirement**
   The mitigation requirement may be met through one of the following options:
   a. Payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0269 (as referenced in 15A NCAC 02B .0252(7)) contingent upon acceptance of payments by the NC Ecosystem Enhancement Program, or to a private mitigation bank that complies with banking requirements of the US Army Corps of Engineers, currently set out at http://www.saw.usace.army.mil/WETLANDS/Mitigation/mitbanks.html or from the US Army Corps of Engineers, P.O. Box 1890, Wilmington, NC, 28402-1890, and the applicable trading criteria in Rule 15A NCAC 02B .0273;
   b. Donation of real property or of an interest in real property pursuant to Sec. 19-27.6 (C)(6) of this Ordinance; or
   c. Restoration or enhancement of a non-forested riparian buffer pursuant to the requirements of Sec. 19-27.6 (C)(7) of this Ordinance.

4. **The Area of Mitigation**
   The Town of Jamestown shall determine the required area of mitigation, which shall apply to all mitigation options identified in Sec. 19-27.6 (C)(3) of this Ordinance and as further specified in the requirements for each option set out in this Section, according to the following:
   a. The impacts in square feet to each zone of the riparian buffer shall be determined by the Town of Jamestown by adding the following:
      i. The area of the footprint of the use causing the impact to the riparian buffer;
      ii. The area of the boundary of any clearing and grading activities within the riparian buffer necessary to accommodate the use; and
      iii. The area of any ongoing maintenance corridors within the riparian buffer associated with the use.
   b. The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in Sec. 19-27.6 (4)(a) of this Ordinance to each zone of the riparian buffer:
      i. Impacts to Zone One of the riparian buffer shall be multiplied by three;
      ii. Impacts to Zone Two of the riparian buffer shall be multiplied by one and one-half; and
      iii. Impacts to wetlands within Zones One and Two of the riparian buffer that are subject to mitigation under 15A NCAC 2H .0506 shall comply with the mitigation ratios in 15A NCAC 2H .0506.

5. **The Location of Mitigation**

For any option chosen, the mitigation effort shall be located within the Randleman Lake watershed, as defined in 15A NCAC 02B .0249, and the same distance and upstream from the Randleman Lake Reservoir as the proposed impact, or closer to and upstream of the Reservoir than the impact, and as close to the location of the impact as feasible. Alternatively, the applicant may propose mitigation anywhere within the Randleman Lake watershed, as defined in 15A NCAC 02B .0249, provided that the mitigation proposal accounts for differences in delivery of nutrients to the Randleman Lake Reservoir resulting from differences between the locations of the buffer impact and mitigation. Additional location requirements for the property donation option are enumerated in Sec. 19-27.6 (C)(6)(c)(i) of this Ordinance.

6. Donation of Property

Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property shall meet the following requirements:

a. The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund pursuant to 15A NCAC 02B .0252. The value of the property interest shall be determined by an appraisal performed in accordance with Sec. 19-27.6 (C)(6)(d)(iv) of this Ordinance. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee calculated pursuant to 15A NCAC 02B .0252, the applicant shall pay the remaining balance due.

b. The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.

c. Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:

   i. In addition to the location requirements of Sec. 19-27.6 (C)(5) of this Ordinance, the property shall be located within an area that is identified as a priority for restoration in, or is otherwise consistent with the goals of, the *Basinwide Wetlands and Riparian Restoration Plan for the Cape Fear River Basin* developed by NC Division of Water Quality pursuant to G.S. 143-214.10;

   ii. The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration as defined in Sec. 19-27.6 (7)(d) of this Ordinance;

iii. The restorable riparian buffer on the property shall have a minimum length of 1000 linear feet along a surface water and a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water;

iv. The size of the restorable riparian buffer on the property to be donated shall equal or exceed the area of mitigation responsibility determined pursuant to Sec. 19-27.6 (C)(4) of this Ordinance;

v. Restoration shall not require removal of man-made structures or infrastructure;

vi. The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation;

vii. The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and transaction costs;

viii. The property shall not contain any building, structure, object, site, or district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended;

ix. The property shall not contain any hazardous substance or solid waste;

x. The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations;

xi. The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort; and

xii. The property shall not have any encumbrances or conditions on the transfer of the property interests.

d. At the expense of the applicant or donor, the following information shall be submitted to the Town of Jamestown with any proposal for donations or dedications of interest in real property:

i. Documentation that the property meets the requirements laid out in Sec. 19-27.6 (C)(6)(c) of this Ordinance;

ii. US Geological Survey 1:24,000 (7.5 minute) scale topographic map, county tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on existing site conditions, vegetation types, presence of existing structures and easements;

iii. A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in

"Standards of Practice for Land Surveying in North Carolina." Copies may be obtained from the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, 3620 Six Forks Road, Suite 300, Raleigh, North Carolina 27609;

iv. A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal Practice." Copies may be obtained from the Appraisal Foundation, Publications Department, P.O. Box 96734, Washington, D.C. 20090-6734; and

v. A title certificate.

7. Riparian Buffer Restoration or Enhancement

Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

a. The applicant may restore or enhance a non-forested riparian buffer if either of the following applies:

i. The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to Sec. 19-27.6 (C)(4) of this Ordinance; or

vi. The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to Sec. 19-27.6 (C)(4) of this Ordinance;

vii. The location of the riparian buffer restoration or enhancement shall comply with the requirements in Sec. 19-27.6 (C)(5) of this Ordinance;

viii. The riparian buffer restoration or enhancement site shall have a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water;

ix. Enhancement and restoration shall both have the objective of establishing a forested riparian buffer according to the requirements of this Item. Enhancement shall be distinguished from restoration based on existing buffer conditions. Where existing trees are sparse, that is greater than or equal to 100 trees per acre but less than 200 trees per acre, a buffer may be enhanced. Where existing woody vegetation is absent, that is less than 100 trees per acre, a buffer may be restored;

b. The applicant shall first receive an Authorization Certificate for the proposed use according to the requirements of Sec. 19-27.6 (A) of this Ordinance. After receiving this determination, the applicant shall submit a restoration or enhancement plan for approval by the Town. The restoration or enhancement plan shall contain the following:
   i. A map of the proposed restoration or enhancement site;
   ii. A vegetation plan. The vegetation plan shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acre at maturity;
   iii. A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer;
   iv. A fertilization plan; and
   v. A schedule for implementation;
   vi. Within one year after the Town of Jamestown has approved the restoration or enhancement plan, the applicant shall present proof to Town of Jamestown that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of both the State's and the Town of Jamestown's riparian buffer protection program;
   vii. The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal functions; and
   viii. The applicant shall submit annual reports for a period of five years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall replace trees that do not survive and restore diffuse flow if needed during that five-year period.

19-27.7 Compliance and Enforcement

A. Site Inspections

1. Agents, officials, or other qualified persons authorized by the Town of Jamestown may periodically inspect riparian buffers to ensure compliance with this ordinance.
2. Notice of the right to inspect shall be included in the letter of approval of each variance and buffer authorization.
3. Authority to Enter Property and Conduct Investigations and Inspections

   Authorized agents, officials or other qualified persons shall have the authority, upon presentation of proper credentials, to enter and inspect at reasonable times any property, public or private, for the purpose of investigating and inspecting the site of any riparian buffer. No person

shall willfully resist, delay, or obstruct an authorized representative, employee, or agent of the Town of Jamestown, while that person is inspecting or attempting to inspect a riparian buffer nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out their official duties. The Town of Jamestown shall have the power to conduct such investigations as deemed reasonably necessary to carry out the duties as prescribed in this Ordinance.

4. Notice of Violation

a. If it is determined that a person has failed to comply with the requirements of this Ordinance, or rules, or orders adopted or issued pursuant to this Ordinance, a notice of violation shall be served upon that person. The notice may be served by any means authorized under G.S. 1A-1, rule 4. In the event service cannot be accomplished by registered or certified mail, it may be accomplished in any manner provided in rule (4)j of the North Carolina Rules of Civil Procedure.

b. The notice shall specify the violation and inform the person of the actions that need to be taken to comply with this Ordinance, or rules or orders adopted pursuant to this Ordinance. The notice shall direct the person to correct the violation within a specified reasonable time. The notice shall inform the person that any person who violates or fails to act in accordance with any of the provisions of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance is subject to the civil and criminal penalties and other enforcement actions as provided in this Ordinance.

5. Power to Require Statements

The Town of Jamestown shall also have the power to require written statements, or the filing of reports under oath, with respect to pertinent questions relating to land-disturbing activities.

B. **Civil Penalties**

1. Assessment of Penalties

Any person who violates or fails to act in accordance with any of the provisions of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance shall be subject to a civil penalty. A civil penalty for a violation may be assessed in an amount not to exceed ten thousand dollars ($10,000) per day. If any violation for which a penalty may be assessed is continuous, a civil penalty may be assessed for each day of the violation in an amount not to exceed twenty-five thousand dollars ($25,000) per day for as long as the violation occurs. Each day of a continuing violation shall constitute a separate violation under Sec. 19-27.7 (B)(1).

2. **Notice of Civil Penalty Assessment**
The governing body of the Town of Jamestown shall provide written notice of the civil penalty amount and the basis for the assessment to the person assessed. The notice of civil penalty assessment shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to either pay the assessment or contest the assessment, within thirty (30) days after receipt of the notice of assessment by written demand for a hearing.

3. **Hearing**
A hearing on the civil penalty shall be conducted by the Town of Jamestown Board of Adjustment within 30 days after the date the written demand for the hearing is received by the Enforcement Officer. The Board of Adjustment shall make its recommendation to the Town Council of the Town within 30 days after the date of the hearing.

4. **Final Decision.**
The Town Council shall issue a final decision on the civil penalty within 30 days of the recommended decision. A copy of the final decision shall be served on the violator by any means authorized under G.S. 1A-1, Rule 4.

5. **Appeal of Final Decision.**
Appeal form the final decision of the Town Council shall be to the Superior Court of the county in which the violation occurred. Any appeal must be filed within thirty days of receipt of the final decision. A copy of the appeal must be served on the Town Manager by any means authorized under G.S. 1A-1, Rule 4.

6. **Demand for Payment of Penalty**
An assessment that is not contested is due when the violator is served with a notice of assessment. The civil penalty must be paid within 30 days or the assessment, if not appealed, or within 30 days after the conclusion of the administrative or judicial review of the assessment. If payment is not received within 30 days after demand for payment is made, the Town of Jamestown may institute a civil action to recover the amount of the assessment. The civil action may be brought in the Superior Court where the violation occurred, or the violator's residence or principal place of business is located. Such civil actions must be filed within three (3) years of the date the assessment was due.

C. **RESERVED**

D. **Injunctive Relief**

1. **Civil Action in Superior Court**
Whenever the governing body of the Town of Jamestown has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any rule or order adopted or issued

pursuant to this Ordinance, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Town of Jamestown for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Guilford County.

2. **Order to Cease Violation**
   Upon determination by a court that an alleged violation is occurring or is threatened, the court shall enter any order or judgment that is necessary to abate the violation, to ensure that restoration is performed, or to prevent the threatened violation. The institution of an action for injunctive relief under this section shall not relieve any party to the proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

E. **Compliance with Requirements**
   Any person engaged in new activities as defined by this Ordinance who fails to meet the requirements of this Ordinance shall be deemed in violation of this Ordinance.

19-27.8 Severability

If any one or more sections or portions thereof of this Ordinance are held to be invalid or unenforceable, all other sections and portions thereof shall nevertheless continue in full force and effect.

19-27.9. Effective Date

This Ordinance will become effective upon approval by the NC Environmental Management Commission and adoption by the Town of Jamestown Town Council.

19-27.9 Revisions to this Ordinance

The Town of Jamestown shall review any revisions to the Local Riparian Buffer Protection Ordinance made by the Division of Water Quality and, within 60 days of receipt of the recommended revisions, submit draft amendments to the DWQ for its consideration and comments. Within 90 days after receipt of the DWQ's comments, the Town will incorporate amendments into this ordinance.

SECTION 7: DEFINITIONS

19-28 TERMS DEFINED

When used in this Ordinance, the following words and terms shall have the meaning set forth in this section, unless other provisions of this Ordinance specifically indicate otherwise.

Drainage and watershed protection:

Agricultural use. The use of waters for stock watering, irrigation, and other farm purposes.

Animal unit. A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

Best management practice (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured from the normal pool elevation of impounded structures and from the top of bank of each side of streams or river.

Built-upon area. That portion of a development project that is covered by impervious or partially impervious cover to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil including buildings, pavement, recreation facilities (e.g., tennis courts), etc. (Note: Slatted decks and the water area of a swimming pool are not considered built-upon area.)

Channelization. Any improvements or other construction activity which occurs within or in the vicinity of an existing natural drainageway or perennial stream which directs or relocates said waterway along some desired course, by increasing its depth or by the use of piping or any other manmade storm drainage structures.

Cluster development. The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single-family subdivisions and multi-family developments that do not involve the subdivision of land.

Completed. Work has progressed to the point that, in the opinion of the enforcement officer, it is sufficiently completed in accordance with the approved plans and specifications that the work can be utilized for its intended purposes. For permanent runoff control structures this generally means that the following have been accomplished: (1) The dam has been constructed to the approved lines and grades; (2) all slopes have

been fine graded, seeded, mulched, fertilized, and tacked to establish permanent ground cover;(3) principal and emergency spillways have been installed at the approved elevations and dimensions; and (4) permanent velocity controls on the inlet and outlet pipes and channels have been installed.

Composting facility. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations are deposited.

Critical Area. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or onehalf mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Since WS-I watersheds are essentially undeveloped, establishment of a critical area in not required. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Development. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging landfill. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Domestic wastewater discharge. The discharge of sewage, nonprocessed industrial wastewater, other domestic wastewater, or any combination of these items. It includes liquid waste generated by domestic water-using fixtures and appliances from any residence, place of business, or place of public assembly even if it contains no sewage. Examples of domestic wastewater include once-through noncontact cooling water, seafood packing facility discharges, and wastewater from restaurants.

Drainage, dispersed. Drainage spread out, as opposed to collected in channels, so as to effect increased sheet flow and overland flow.

Drainageway. Any natural or manmade channel that carries surface runoff from precipitation.

Drainage, enhanced. Drainage carried by existing natural drainageways which have been enhanced to resist soil erosion and stream bank degradation. An enhanced natural drainageway is achieved with the installation of an engineered measure (i.e., netting, riprap) which will resist soil erosion and allow infiltration within the natural drainageway.

Drainageway, improved. Drainage channeled by impervious surfaces such as curb and gutter or concrete channels.

Drainageway, protected. Drainage channeled by pervious devices such as sod waterways, berms, channels, or swales which have been stabilized with vegetation, rip-rap, or a combination of these, to resist soil erosion.

Drainageway and open space area, dedicated. The area designated for floodplain and open space purposes on a recorded subdivision plat and thereby dedicated to the public for such purposes and, where approved by the Town, for utilities.

Dry detention pond. A pond which collects stormwater runoff, holds the water, and releases it slowly over a period of hours or days. It does not have a permanent pool and is sometimes referred to as a dry pond or wet weather pond.

Enforcement Officer. The Town Manager of Jamestown or his designee who is responsible for administering and enforcing the watershed protection provisions adopted by the Town.

Existing development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning based on at least one (1) of the followingcriteria:
a. Substantial expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
b. Having a valid outstanding building permit; or
c. Having an approved site specific or phased development plan in compliance with North Carolina General Statutes 153A-344.1 or North Carolina General Statutes 385.1

Existing Lot (Lot of Record). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance,(if located in the Randleman Lake Watershed) or a lot described by metes and bounds, the description of which has been so recorded prior to October 1, 1993.

Gravel. The Town of Jamestown, in recognition of Section 45 of S.L. 2014-120, recognizes the fact that the NC Department of Environment and Natural Resources and the Environmental Management Commission may no longer define “Gravel”. Therefore, it becomes necessary for the Town of Jamestown to define such surface treatments. Gravel shall be defined as a clean or washed, loose, uniformly-graded aggregate of stones from a lower limit of 0.08 inches to an upper limit of 3.0 inches in size. “Gravel” meeting this definition shall be considered a pervious surface from the effective date of this ordinance forward. Existing sites which were developed with gravel prior to the effective dates of the watershed ordinance (July 1, 1993 in all watersheds EXCEPT Randleman GWA and WCA where the effective date is January 1, 2000), or on a previously approved watershed site plan, may treat gravel as existing built-upon area for

the purposes of built-upon area calculations.

Hazardous material. Any material listed as such in: Superfund Amendments and Reauthorization Act (SARA) section 302 Extremely Hazardous Substances (42 USC 1100 et seq.); Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Hazardous Substances (42 USC 9601 et seq.); or section 311 of the Clean Water Act, as amended (CWA) (33 USC 1251 et seq.; oil and hazardous substances) hereby incorporated by reference including any subsequent amendments and editions.

Impervious surface. Improvements including street pavement, driveways, buildings, and other structures which cover the soil surface and prevent infiltration of water into the soil.

*Industrial Development***.** Any non-residential development that requires an NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Industrial discharge. The discharge of industrial process treated wastewater or wastewater other than sewage and including, but not limited to:
a. Wastewater resulting from any process of industry or manufacture, or from the development of any natural resource;
b. Wastewater resulting from processes of trade or business, including wastewater from laundromats and car washes, but not wastewater from restaurants;
c. Stormwater contaminated with industrial wastewater; and
d. Wastewater discharged from a municipal wastewater treatment plant requiring a pretreatment program.

Landfill. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of these watershed provisions, this term does not include composting facilities.

Major watershed variance. A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor greater than five (5) percent of any buffer, density or built-upon area requirement under the high density option; any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater management system; or relaxation by a factor greater than 10 percent of any management requirement under the low density option.

Minor watershed vairiance. A variance from the minimum statewide watershed protection rules that results in the relaxation by a factor of up to five percent of any buffer, density or built-upon area requirements under the high density option; or relaxation by a factor of 10 percent of any management requirement under the low density option.

New development. Any land-disturbing activity which adds to or changes the amount of builtupon area. (This definition applies only with respect to watershed protection regulations.)

Nonprocess discharge. Industrial effluent not directly resulting from the manufacturing process. An example is noncontact cooling water from a compressor.

Perennial and intermittant streams. Those streams (and rivers), with associated lakes and pondsas indicated on the following:
a. On the most recent version of the United States Geological Survey 1:24,000 scale (7.5 minute quadrangle) topographical map;
b. On the most recent version of the Soil Survey of Davidson County, Forsyth County, Guilford County, or Randolph County developed by the United States Department of Agriculture (USDA) Natural Resource Conservation Service (formerly the USDA Soil Conservation Service); or
c. By other site-specific evidence that indicates to the North Carolina Division of Water Quality (DWQ) the presence of such waters not shown on either of these two (2) maps or evidence that no actual stream or waterbody exists.
d. Or by inspection by a qualified professional

Protected drainageway (channel). Where drainage is channeled by pervious devices such as sod waterways, berms, channels or swales which have been constructed to resist soil erosion by either vegetating, netting, riprapping, or a combination of those, and which allows infiltration of water into the soil.

Required drainage channel. The theoretical stream bed section which is required to carry and discharge the runoff from a 100-year storm.

Residential Development. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

Single Family Residential. Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit.

Retention pond. A pond that has a permanent pool.

Runoff detention equal to minimum requirements. Velocity control of runoff.

Stream Buffer. A natural, vegetated, or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers.

Sludge. Any solid or semisolid waste generated from a wastewater treatment plant, water treatment plant, or air pollution control facility permitted under authority of the North Carolina Environmental Management Commission.

Stabilizing vegetation. Any vegetation that prevents accelerated soil erosion.

Storm, 100-year. The surface runoff resulting from a rainfall of an intensity expected to be equalled or exceeded, on the average, once in 100 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Storm, 10-year. The surface runoff resulting from a rainfall of an intensity expected to be equaled or exceeded, on the average, once in 10 years and of a duration which will produce the maximum peak rate of runoff for the watershed of interest under average antecedent wetness conditions.

Storm drainage facilities. The system of inlets, conduits, channels, ditches, and appurtenances which serve to collect and convey stormwater through and from a given drainage area.

Stormwater runoff. The direct runoff of water resulting from precipitation in any form.

Stream. A watercourse that collects surface runoff.

Surface Water Buffer. A natural, vegetated, or re-vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer width is measured landward from the normal pool elevation of impoundments and from the bank of each side of streams or rivers. (This definition applies only with respect to Watershed Protection regulations.)

Toxic Substance. Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Typical required drainage channel section. A cross-sectional view of a required drainage channel.

Undisturbed area. That portion of a lot, tract, or subdivision which has not and will not be occupied and which has not and will not be graded to change land contours or to

destroy existing vegetation. Only areas that are wooded or reforested are considered undisturbed for the purposes of watershed protection scoresheet evaluation.

Velocity. The average velocity of flow through the cross section of the main channel at the peak flow of the storm of interest. The cross section of the main channel shall be that area defined by the geometry of the channel plus the area of flow below the flood height defined by vertical lines at the main channel banks. Overland flows are not to be included for the purpose of computing velocity of flow.

Water dependent structures. Structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.
Water quality conservation easement. See easements.

Watershed, water supply. The entire land area contributing surface drainage to a designated water supply reservoir. For the purposes of the Watershed Protection Overlay District Regulations, major landmarks such as roads or property lines may be used to delineate the outer boundary of the drainage area if these landmarks are immediately adjacent to the ridgeline.

Watershed critical area. That portion of the watershed within the lake basin of the water supply reservoir as delineated in this Ordinance.

Wet detention pond. A pond that collects stormwater runoff, holds the water, and releases it slowly over a period of days, and which has a permanent pool that utilizes both settling and biological process to remove both particulate and soluble particulates.

Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support under normal circumstances a prevalence of vegetation typically found in saturated soils.

****Additional definitions included per updates to the Randleman Buffer Rules by NCDENR. Any changes to NCDENR definitions shall supersede these definitions.****

For the purpose of this Ordinance, these terms shall be defined as follows:

A. ‘Access Trails’ means pedestrian trails constructed of pervious or impervious surfaces and related structures to access a surface water, including boardwalks, steps, rails, and signage.
B. ‘Airport Facilities’ means all properties, facilities, buildings, structures, and activities that satisfy or otherwise fall within the scope of one or more of the definitions or uses of the words or phrases ‘air navigation facility’, ‘airport’, or ‘airport protection privileges’ under G.S. 63-1; the definition of ‘aeronautical facilities’ in G.S. 63-79(1); the phrase ‘airport facilities’ as used

in G.S. 159-48(b)(1); the phrase ‘aeronautical facilities’ as defined in G.S. 159-81 and G.S. 159-97; and the phrase ‘airport facilities and improvements’ as used in Article V, Section 13, of the North Carolina Constitution, which shall include, without limitation, any and all of the following: airports, airport maintenance facilities, clear zones, drainage ditches, fields, hangars, landing lighting, airport and airport-related offices, parking facilities, related navigational and signal systems, runways, stormwater outfalls, terminals, terminal shops, and all appurtenant areas used or suitable for airport buildings or other airport facilities, and all appurtenant rights-of-way; restricted landing areas; any structures, mechanisms, lights, beacons, marks, communicating systems, or other instrumentalities or devices used or useful as an aid, or constituting an advantage or convenience to the safe taking off, navigation, and landing of aircraft, or the safe and efficient operation or maintenance of an airport or restricted landing area; easements through, or interests in, air space over land or water, interests in airport hazards outside the boundaries of airports or restricted landing areas, and other protection privileges, the acquisition or control of which is necessary to ensure safe approaches to the landing areas of airports and restricted landing areas, and the safe and efficient operation thereof and any combination of any or all of such facilities. Notwithstanding the foregoing, the following shall not be included in the definition of ‘airport facilities’:

1. Satellite parking facilities;
2. Retail and commercial development outside of the terminal area, such as rental car facilities; and
3. Other secondary development, such as hotels, industrial facilities, free-standing offices and other similar buildings, so long as these facilities are not directly associated with the operation of the airport, and are not operated by a unit of government or special governmental entity such as an airport authority, in which case they are included in the definition of 'airport facilities'.

C. ‘Channel’ means a natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.

D. ‘DBH’ means diameter at breast height of a tree measured at 4.5 feet above ground surface level.

E. ‘Development’ means the same as defined in Rule 15A NCAC 2B .0202(23).

F. ‘Ditch’ means a man-made, open drainage way in or into which excess surface water or groundwater from land, stormwater runoff, or floodwaters flow either continuously or intermittently.

G. ‘Ephemeral stream’ means a feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics

commonly associated with the continuous or intermittent conveyance of water.

H. 'Existing development' means development, other than that associated with agricultural or forest management activities, that meets one of the following criteria:

1. It either is built or has established a vested right based on statutory or common law as interpreted by the courts, for projects that do not require a state permit, as of the effective date of either local new development stormwater programs implemented under Rule 15A NCAC 2B .0265 (Randleman Lake Water Supply Nutrient Strategy: Stormwater Management for New Development) or, for projects requiring a state permit, as of the applicable compliance date established in Rule 15A NCAC 2B .0251 (Randleman Lake Water Supply Nutrient Strategy: Stormwater Requirements), Items (5) and (6).

I. 'Greenway / Hiking Trails' means pedestrian trails constructed of pervious or impervious surfaces and related structures including but not limited to boardwalks, steps, rails, and signage, and that generally run parallel to the shoreline.

J. 'High Value Tree' means a tree that meets or exceeds the following standards: for pine species, 14-inch DBH or greater or 18-inch or greater stump diameter; or for hardwoods and wetland species, 16-inch DBH or greater or 24-inch or greater stump diameter.

K. 'Intermittent stream' means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.

L. 'Modified natural stream' means an on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

M. 'New Development' means any development project that does not meet the definition of existing development set out in this Ordinance.

N. 'Perennial stream' means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

O. 'Perennial waterbody' means a natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths

sufficient to preclude growth of rooted plants. For the purpose of the State's riparian buffer protection program, the waterbody must be part of a natural drainage way (i.e., connected by surface flow to a stream).

P. 'Shoreline stabilization' is the in-place stabilization of an eroding shoreline. Stabilization techniques which include "soft" methods or natural materials (such as root wads, or rock vanes) may be considered as part of a restoration design. However, stabilization techniques that consist primarily of "hard" engineering, such as concrete lined channels, riprap, or gabions, while providing bank stabilization, shall not be considered stream restoration.

Q. 'Stream restoration' is defined as the process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium. 'Referenced' or 'referenced reach' means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.

R. 'Stump diameter' means the diameter of a tree measured at six inches above the ground surface level.

S. "Surface waters" means all waters of the state as defined in G.S. 143-212 except underground waters

T. 'Temporary road' means a road constructed temporarily for equipment access to build or replace hydraulic conveyance structures such as bridges, culverts, pipes or water dependent structures, or to maintain public traffic during construction.

U. "Tree" means a woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.

SECTION 8: ILLICIT DISCHARGES

19-28 ILLICIT DISCHARGES AND CONNECTIONS

Commentary: The federal Phase II rule specifies that local communities shall prohibit any discharge to a municipal separate storm sewer unless it:

-consists of a discharge pursuant to an NPDES permit; or

-consists of a discharge from fire fighting activities; or

-consists of a discharge in any of the following categories, *and* the operator of the small MS4 has not identified that category as a significant contributor of pollutants to its small MS4:

Water line flushing; landscape irrigation; diverted stream flows; rising ground waters; uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)); uncontaminated pumped ground water; discharges from potable water sources; foundation drains; air conditioning condensation; irrigation water; springs; water from crawl space pumps; footing drains; lawn watering; individual residential car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; and street wash water.

(A) Illicit Discharges

(A) No person shall cause or allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in manner and amount that the substance is likely to reach a stormwater conveyance or the waters of the State, any liquid, solid, gas, or other substance, other than stormwater; provided that non-stormwater discharges associated with the following activities are allowed and provided that they do not significantly impact water quality:

(1) Water line flushing;

(2) Landscape irrigation;

(3) Diverted stream flows;

(4) Rising ground waters;

(5) Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20));

(6) Uncontaminated pumped ground water;

(7) Discharges from potable water sources;

(8) Foundation drains;

(9) Air conditioning condensation;

(10) Irrigation water;

(11) Springs;

(12) Water from crawl space pumps;

(13) Footing drains;

(14) Lawn watering;

(15) Individual residential car washing;

(16) Flows from riparian habitats and wetlands;

(17) Dechlorinated swimming pool discharges;

(18) Street wash water; and

(19) Other non-stormwater discharges for which a valid NPDES discharge permit has been approved and issued by the State of North Carolina, and provided that any such discharges to the municipal separate storm sewer system shall be authorized by the Town of Jamestown.

Prohibited substances include but are not limited to: oil, anti-freeze, chemicals, animal waste, paints, garbage, and litter.

(B) Illicit Connections

(1) Connections to a stormwater conveyance or stormwater conveyance system that allow the discharge of non-stormwater, other than the exclusions described in subsection (A) above, are unlawful. Prohibited connections include, but are not limited to: floor drains, waste water from washing machines or sanitary sewers, wash water from commercial vehicle washing or steam cleaning, and waste water from septic systems.

(2) Where such connections exist in violation of this section and said connections were made prior to the adoption of this provision or any other ordinance prohibiting such connections, the property *owner* or the person using said connection shall remove the connection within one year following the effective date of this ordinance. However, the one-year grace period shall not apply to connections which may result in the discharge of hazardous materials or other discharges which pose an immediate threat to health and safety, or are likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat.

(3) Where it is determined that said connection:

a. May result in the discharge of hazardous materials or may pose an immediate threat to health and safety, or is likely to result in immediate injury and harm to real or personal property, natural resources, wildlife, or habitat, or

b. the Stormwater Administrator shall designate the time within which the connection shall be removed. In setting the time limit for compliance, the Stormwater Administrator shall take into consideration:

1.The quantity and complexity of the work,

2.The consequences of delay,

3.The potential harm to the environment, to the public health, and to public and private property, and

4.The cost of remedying the damage.

b. Spills

(B) Spills or leaks of polluting substances released, discharged to, or having the potential to released or discharged to the stormwater conveyance system, shall be contained, controlled, collected, and properly disposed. All affected areas shall be restored to their preexisting condition.

(C) Persons in control of the polluting substances immediately prior to their release or discharge, and persons owning the property on which the substances were released or discharged, shall immediately notify the Town of Jamestown Public Services Director, Town Manager, or Fire Department of the release or discharge, as well as making any required notifications under state and federal law. Notification shall not relieve any person of any expenses related to the restoration, loss, damage, or any other liability which may be incurred as a result of said spill or leak, nor shall such notification relieve any person from other liability which may be imposed by State or other law.

c. Nuisance

- Illicit discharges and illicit connections which exist within the Town of Jamestown and its extraterritorial planning jurisdiction are hereby found, deemed, and declared to be dangerous or prejudiced to the public health or public safety and are found, deemed, and declared to be public nuisances. Such public nuisances shall be abated in accordance with the procedures set forth in this ordinance, the Town of Jamestown Land Development Ordinance, the General Codes of the Town of Jamestown, or any other applicable laws, rules, or regulations.

19-23 ADDITIONAL STANDARDS FOR SPECIAL SITUATIONS

19-23.1 Pet waste

Dogs At Large Prohibited

It shall be unlawful for the owner of any dog to allow the animal to be off the premises of his owner and not on a leash in the Town of Jamestown.

Restrictions on Pet Waste

(i)It shall be unlawful for the owner or custodian of any dog to take it off the owner's own property limits without the means to properly remove and dispose of the dog's feces from any public or private property.

(ii)It is the responsibility of a dog's owner or custodian to clean up the dog's feces from any public or private property outside of the dog's owner's own property limits. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.

(iii) "Means to properly remove and dispose of feces" shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to clean up and contain dog waste until it can be disposed of in an appropriate container. Such a device must be produced and shown, upon request, to anyone authorized to enforce these ordinances.

(iv)This provision shall not apply to handicapped persons assisted by trained guide or assistance dogs.

(v) "Public nuisance" is defined to include "a dog which deposits feces on public property or on private property without the consent of the owner or person in lawful possession of the private property, and the person owning, possessing, harboring or having the care, charge, control or custody of the dog fails to remove the feces so deposited. Provided, however, this definition shall not apply to any dog assisting a handicapped person.

19-23.3 Onsite Wastewater

(A) Standards for Operation and Maintenance

Onsite systems for domestic wastewater covered by this ordinance shall be operated and maintained so as to avoid adverse effects on

surface water and groundwater, including eutrophication of surface water and microbial or nitrate contamination of groundwater. Septic tank residuals shall be pumped whenever necessary to assure the proper operation of the system to meet these standards, and the septage shall be reused or disposed of in a manner that does not present significant risks to human health, surface water or groundwater.

ARTICLE 20
SOIL EROSION AND SEDIMENTATION CONTROL

Development within the Town of Jamestown is subject to the Soil Erosion and Sedimentation Control Ordinance of Guilford County, which is reprinted herein for reference. Any subsequent amendments to the county ordinance take precedence over this text.

20.1. General Requirements

20.1-1. Plan Required. No person shall initiate any land-disturbing activity without an erosion control plan approved by the Jurisdiction, if the land disturbing activity:

(A) Exceeds one (1) acre;

(B) Will take place on highly erodible soils with a "k" factor greater than .36 in a watershed critical area;

(C) Includes a pond or retention structure in a watershed critical area; and

(D) Will take place in Tier 1 or Tier 2 of a watershed critical area.

20.1-2. Protection of Property. Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage or nuisance caused by such activity

.

20.1-3. More Restrictive Rules Shall Apply. Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

20.2. Basic Control Objectives

A soil erosion and sedimentation control plan may be disapproved pursuant to Section 20.12-13, Grounds for Plan Disapproval, of this Ordinance if the plan fails to address the following control objectives:

- Identify Critical Areas. On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention;
- Limit Time of Exposure. All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;
- Limit Exposed Areas. All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;
- Control Surface Water. Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;
- Control Sedimentation. All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage and nuisances to adjacent properties, streets or streams; and
- Manage Storm Water Runoff. When the increase in the velocity of storm water runoff resulting from a land-disturbing activity is sufficient to cause

accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

20.3 Mandatory Standards for Land Disturbing Activity

No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standards:

20.3-1 Buffer Zone. No land-disturbing activity shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible siltation within the twenty-five (25%) percent of the buffer zone nearer the land-disturbing activity, provided, that this subsection (A) shall not apply to a land-disturbing activity in connection with the construction of facilities to be located on, over, or under a lake or natural watercourse;

20.3-2 Graded Slopes and Fills. The angle for graded slopes and fills shall be no steeper than two (2) to one (1) slope if they are to be stabilized with vegetative cover. Slopes or fills steeper than two (2) to one (1) slope must be protected by structures. In any event, slopes left exposed will, within thirty (30) days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion;

20.3-3 Ground Cover. Whenever land-disturbing activity is undertaken on a tract comprising more than-one acre, if more than one contiguous acre is uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract, and shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in Section 20.4-2(E) of this Ordinance, provisions for a ground cover sufficient to restrain erosion must be accomplished within thirty (30) working days or one hundred and twenty (120) calendar days following completion, whichever period is shorter; and

20.3-4 Prior Plan Approval. No person shall initiate any land-disturbing activity if more than one contiguous acre is to be uncovered unless, thirty (30) or more days prior to initiating the activity, an erosion and sedimentation control plan for such activity is filed with and approved by the Jurisdiction.

20.4 Design and Performance Standards

20.4-1 Design for Ten-year Storm. Except as provided in Section 20.4-2(B) of this Ordinance, soil erosion and sedimentation control measures,

structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of runoff from the ten (10)-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices," or other acceptable calculation procedures.

20.4-2 High Quality Water Zones. In High Quality Water (HQW) zones the following design standards shall apply:

(A) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract to twenty acres. Only this subsection shall govern the portion of the land-disturbing activity within a HQW zone. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director of the NC Department of Environment and Natural Resources.

(B) Soil erosion and sedimentation control measures, structures and devices within HQW zones shall be so planned, designed and constructed to provide protection from the runoff of the twenty-five (25) -year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agricultural Soil Conservation Service's "national Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this state or the United States or any generally recognized organization or association.

(C) Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least seventy (70%) percent for the forty (40) micron size soil particle transported into the basin by the runoff of that two-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the United States Department of Agricultural Soil Conservation Service's "national Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.

(D) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two (2) horizontal to one (1) vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices, or other acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(E) Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within fifteen (15) working days or sixty (60) calendar days following

completion of construction or development, whichever period is shorter.

20.5 Storm Water Outlet Protection

20.5-1 Intent. Stream banks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.

20.5-2 Performance Standard. Persons shall conduct land-disturbing activity so that the post-construction velocity of the ten (10) year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

(A) the velocity established by Table 11-4-1; or

(B) the velocity of the ten (10)-year storm runoff in the receiving watercourse prior to development.

If conditions (A) or (B) above cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by ten (10%) percent.

20.5-3 Acceptable Management Measures. Measures applied alone or in combination to satisfy the intent of this Section are acceptable if there are no objectionable secondary consequences. The Jurisdiction recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results.

Some alternatives are to:

(A) Avoid increases to surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;

(B) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections;

(C) Provide energy dissipaters at outlets of storm drainage facilities to reduce flow velocities at the point of discharge. These may range from simple rip-rapped sections to complex structures.

TABLE 20.5-1
MAXIMUM PERMISSIBLE VELOCITY FOR
STORMWATER DISCHARGES

Material	Maximum Permissible Velocities	
	F.P.S.	M.P.S.
Fine sand (noncolloidal)	2.5	0.8

Sandy loam (noncolloidal)	2.5	0.8
Silt loam (noncolloidal)	3.0	0.9
Ordinary firm loam	3.5	1.1
Fine Gravel	5.0	1.5
Stiff clay (very colloidal)	5.0	1.5
Graded, loam to cobbles (noncolloidal)	5.0	1.5
Graded, silt to cobbles	5.5	1.7
Alluvial silts (noncolloidal)	3.5	1.1
Alluvial silts (colloidal)	5.0	1.5
Coarse gravel (noncolloidal)	6.0	1.8
Cobbles and shingles	5.5	1.7
Shales and hard pans	6.0	1.8

Source - Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926. For channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.

(D) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.

20.5-4 Exceptions. This rule shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

20.6 Borrow and Waste Areas

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, any waste areas for surplus materials other than landfills regulated by the Department's, Division of Soil Waste Management, shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

20.7 Access and Haul Roads

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

20.8 Operations in Lakes or Natural Watercourses

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided. The U.S. Army Corps of Engineers shall be notified by the developer of any planned operation in lakes or natural watercourses for possible issuance of Section 404 or other permits.

20.9 Responsibility for Maintenance

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent erosion and sedimentation control measures as required by the approved plan, by any provision of this Ordinance, or by any ordinance adopted pursuant to this Ordinance. After site development, the land owner or person in possession or control of the land shall install and/or maintain all necessary permanent erosion and sediment control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

20.10 Additional Measures

Whenever the Town determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

20.11 Existing Uncovered Areas

20.11-1. Applicability. All uncovered areas existing on the effective date of this Ordinance which are the result of land-disturbing activity, which exceed one (1) contiguous acre, which are subject to continued accelerated erosion, and which are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

20.11-2. Notice of Violation. The Jurisdiction will serve upon the landowner a written notice of violation by registered or certified mail, return receipt requested. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required, and shall set reasonably attainable time limits for compliance.

20.11-3. Requiring Erosion Control Plan. The Jurisdiction reserves the right to require preparation and approval of an erosion control plan in any instance where extensive control measures are required.

20.11-4. Exemption. This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

20.12 Erosion and Sedimentation Control Plans

20.12-1. Applicability. An erosion control plan shall be prepared for all land-disturbing activities subject to this Ordinance whenever the proposed activity is to be undertaken on a tract comprising more than one (1) acre, if more than one (1) contiguous acre is to be uncovered.

20.12-2. Preparation of Plan. The erosion control plan shall be prepared by, and shall bear the seal and signature of a registered professional engineer, architect, landscape architect, or a registered surveyor to the extent permitted by North Carolina laws, at a scale not smaller than one (1) inch equals one hundred (100) feet. The plan shall be filed with the Jurisdiction, and the Guilford Soil and Water Conservation District, thirty (30) days prior to the commencement of the proposed activity.

20.12-3. Submission of Plan. Persons conducting land-disturbing activity which covers one or more contiguous acres shall file five (5) copies of the erosion control plan with the Jurisdiction, at least thirty (30) days prior to beginning of such activity, and shall keep another copy of the plan on file at the job site. If the Jurisdiction, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the Jurisdiction will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.

20.12-4. Financial Responsibility Statement. Erosion control plans may be disapproved unless accompanied by an authorized statement of financial responsibility and ownership. The person financially responsible for the land-disturbing activity or his attorney shall sign this statement in fact. The statement shall include the mailing and street addresses of the principal place of business of the person financially responsible and of the owner of the land or their registered agents. If the person financially responsible is not a resident of North Carolina, a North Carolina agent must be designated in the statement for the purpose of receiving notice of this compliance or non-compliance with the plan, this Ordinance, or rules or orders adopted or issued pursuant to this Ordinance.

20.12-5. Conservation District Review. The Guilford Soil and Water Conservation District within twenty (20) days of receipt of any plan shall review such plan and submit its comments and recommendations to the Jurisdiction. Failure of the Soil and Water Conservation District to submit its comments and recommendations within these twenty (20) days will not delay final action on the plan.

20.12-6. Local Jurisdiction Review. The Jurisdiction will review each plan submitted to them and within thirty (30) days of receipt thereof will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve or disapprove a complete erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval. Denial of a plan must specifically state in writing the reasons for denial. The jurisdiction must approve or deny a revised plan within fifteen (15) days of receipt, or it is deemed to be approved. If, following commencement of a land-disturbing activity pursuant to an approved plan, the Jurisdiction determines that the plan is inadequate to meet the requirements of this Ordinance, the Jurisdiction may require such revisions as are necessary to comply with this Ordinance.

20.12-7. Plan Requirements. The plan required by this Section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures proposed to ensure compliance with the requirements of this Ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation can be found in Appendix 2 (Map Standards) of this Ordinance.

20.12-8. Application Amendments. Applications for amendment of an erosion control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the Jurisdiction, the land-disturbing activity shall not proceed except in accordance with the erosion control plan as originally approved.

20.12-9. Work Conducted from Approved Plan. Any person engaged in land-disturbing activity who fails to file a plan in accordance with this Ordinance, or who conducts a land disturbing activity except in accordance with provisions of an approved plan shall be deemed in violation of this Ordinance.

20.12-10. Plan Approval Required for Permit: No building or location permits, approvals or other documents relating to land or building development or improvement shall be issued or granted under applicable

zoning, building, subdivision and other laws and ordinances of the Jurisdiction, unless and until an erosion control plan, as required by this Ordinance, has been submitted to the Jurisdiction, a grading permit has been issued, and a Certificate of Erosion Control Performance has been issued by jurisdiction, indicating that initial erosion control devices have been installed and are functioning properly.

20.12-11. Work Completed Before Final Subdivision Approval. No final subdivision plat approval nor any Certificate of Occupancy shall be issued or granted where required under applicable zoning, building, subdivision and other laws and ordinances unless and until work at the site has been completed in accordance with a valid grading permit, or an improvement security or performance bond has been approved and accepted as required by this Ordinance.

20.12-12. Surety. The applicant for a grading permit to grade one acre or more may be required to file with the Jurisdiction an improvement security or bond in the form of an escrow account or other instruments satisfactory to the Jurisdiction attorney in the amount deemed sufficient by the Jurisdiction to cover all costs of protection of the site against erosion and off-site sedimentation according to requirements of this Ordinance. The amount of such surety requirement shall be determined by the Jurisdiction in consultations with the Soil and Water Conservation District and with disinterested private contractors. Such surety shall be valid until the work is completed in accordance with the grading permit and until same is released by the Jurisdiction. Applicable surety shall be forfeited upon violation of this Ordinance and shall be used to establish protective cover on the site, to control the velocity of runoff, and/or prevent off-site sedimentation. Any monies in excess of the cost of providing protective measures shall be refunded to the applicant. Surety shall be released when the Jurisdiction has certified that the requirements of this Ordinance have been met.

20.12-13. Grounds for Plan Disapproval. A soil erosion and sedimentation control plan may be disapproved upon a finding that an applicant, or any parent or subsidiary corporation if the applicant is a corporation,:

(A) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the Commission or the Jurisdiction and has not complied with the notice within the time specified in the notice;

(B) Has failed to pay a civil penalty assessed pursuant to the Act or this Ordinance which is due and for which no appeal is pending;

(C) Has been convicted of a misdemeanor pursuant to NCGS 113A-64(b) or any criminal provision of this Ordinance; and

(D) Has failed to substantially comply with State rules adopted

pursuant to the Act or regulations of this Ordinance.
For purposes of this subsection an applicant's record may be considered for only the two years prior to the application date.

20.12-14. Environmental Document Required. Any plan submitted for a land-disturbing activity for which an environmental document is required by the North Carolina Environmental Policy Act (NCGS 113A-1, et seq.) shall be deemed incomplete until a complete environmental document is available for review. Guilford County shall promptly notify the person submitting the plan that the thirty (30) day time limit for review of the plan pursuant to Section 20.12-6 of this Ordinance shall not begin until a complete environmental document is available for review.

20.13. Amendments to Soil Erosion and Sedimentation Control Requirements

The State Sedimentation Control Commission must approve all revisions to the soil erosion and sedimentation control requirements of this Ordinance. Guilford County shall incorporate revisions required by the Commission within eight (8) months following receipt of the required revisions. If standards of this Ordinance currently meet or exceed the required revisions, the Commission shall be so notified within ninety (90) days of their receipt.

20.14 Civil Penalties - Soil Erosion and Sedimentation Control

20.14-1 General. Any person who violates any provisions of this Article or the Act, or rules or orders adopted or issued pursuant to this Ordinance, or who initiates or continues a land disturbing activity for which an erosion and sedimentation control plan is required, not in accordance with the terms, conditions, and provisions of an approved erosion and sedimentation control plan, shall be subject to a civil penalty. No civil penalty shall accrue in excess of $500 per day, in addition to the penalty for failure to submit an erosion and sedimentation control plan provided in Section 20.14-5 (Erosion and Sedimentation Control Plan).

20.14-2 Notice of Violation. No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. However, no time period for compliance need be given for failure to submit a soil erosion and sedimentation control plan for approval or for obstructing, hampering or interfering with an authorized representative while in the process of

carrying out his official duties. Each day of continuing violation shall constitute a separate violation.

20.14-3 Notice of Assessment. The Enforcement Officer shall determine the amount of the civil penalty to be assessed under this subsection, shall make written demand for payment upon the person in violation, and shall set forth in detail a description of the violation for which the penalty has been imposed. In determining the amount of the penalty the Enforcement Officer shall consider the degree and extent of harm caused by the violation and the cost of rectifying the damage. Notice of the assessment shall be by registered or certified mail or other means reasonably calculated to give actual notice. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the Guilford County attorney for institution of a civil action in the appropriate division of the General Counts of Justice for recovery of the penalty.

20.14-4 Specific Civil Penalties. Civil penalties for specific violations of Article 20 (Soil Erosion and Sedimentation Control) shall be assessed as follows:

(A) Grading without Permit: $500 per day for failure to secure a valid grading permit prior to conducting a land-disturbing activity for which a soil erosion and sedimentation control plan is required.

(B) Failure to Protect: $500 per day for failure to take all reasonable measures to protect public property, or private property, including lakes and/or natural watercourses, from damage caused by land-disturbing activities.

(C) Failure to Follow Plan: $300 per day for failure to conduct a land-disturbing activity in accordance with the provisions of an approved erosion and sedimentation control plan.

(D) Failure to Install Devices: $500 per day for failure, when more than one (1) contiguous acre is disturbed, to install erosion and sedimentation control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract(s) and prevent off-site sedimentation.

(E) Failure to Maintain Measures: $300 per day for failure to maintain satisfactory erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the ten (10)-year storm or the twenty-five (25)-year storm in a High Quality Storm (HQW) zone.

(F) Failure to Maintain Temporary Measures: $250 per day for failure to maintain temporary erosion and sedimentation control measures and facilities during site development.

(G) Failure to Maintain Slopes: $250 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative

cover or other adequate erosion and sedimentation control devices or structures.

(H) Failure to Cover Slopes: $250 per day for failure within thirty (30) days of completion of any phase of grading to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices, or structures sufficient to restrain erosion.

(I) Failure to Plant Cover: $250 per day for failure on a tract when more than one contiguous acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within thirty (30) working days or one-hundred and twenty (120) calendar days, fifteen (15) working days or sixty (60) calendar days in High Quality Water Zones, whichever is the shorter, following completion of construction or development.

(J) Failure to Revise Plan: $250 per day for failure to file an acceptable, revised erosion and sedimentation control plan after being notified of the need to do so.

(K) Failure to Maintain Buffer: $250 per day for failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible siltation within the twenty-five (25%) percent of the buffer zone nearest the land-disturbing activity.

(L) Interference with Official Duties: $500 per day for obstructing, hampering, or interfering with any authorized agent of the Jurisdiction or the Sedimentation Control Commission while in the process of carrying out his official duties.

(M) Failure to Provide Control: $250 per day for failure to install or maintain erosion control devices, or prevent off-site sedimentation on sites of land-disturbing activity not requiring a grading permit and with disturbed area of less than one (1) acre.

20.14-5. Erosion and Sedimentation Control Plan. Any person who fails to submit an erosion and sedimentation control plan as required by this Ordinance shall be subject to a single, non-continuing civil penalty of not more than $1,000. Any person may be subject to additional civil penalties for violation of any other provision of this Ordinance or rules or orders adopted or issued pursuant to this Ordinance.

20.14-6. Civil Penalty Use. Civil penalties collected for erosion and sedimentation control violations shall be used or disbursed as directed by NCGS 113A-64(a).

20.15 Criminal Penalty - Soil Erosion and Sedimentation Control

Any person who knowingly or willfully violates any soil erosion and sedimentation control provisions of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land disturbing activity for which

an erosion and sedimentation control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed $5,000, or both.

20.16 Injunctive Relief - Soil Erosion and Sedimentation Control

Whenever the Enforcement Officer has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved soil erosion and sedimentation control plan the Enforcement Officer may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the Jurisdiction, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Guilford County.
Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this Section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

ARTICLE 21
OPEN SPACE

21.1. Purpose.

The open space standards contained herein are established to provide for the reservation of open spaces in both residential and non-residential developments located in the Town of Jamestown and its area of jurisdiction. Preservation of open space in developing areas serves a variety of purposes, including meeting the recreational needs of residents, improving the aesthetic character of the community, reducing stormwater runoff, and enhancing air quality. The standards set forth below establish regulations for open space in residential and non-residential developments.

21.2. Open Space.

Although open space can be agricultural or natural in character, open space is typically planned and developed as part of a residential or non-residential development. The following standards are hereby established for open space, with the exception of The Main Street District, which shall be exempt from the requirements of this section.

21.2-1 Open space land area requirements. Open space shall be provided in accordance with the following table for:

(A) initial residential development containing eight or more units
(B) redevelopment or additional development that adds eight or more units
(C) initial nonresidential or mixed use development
(D) redevelopment or additional development that adds 25 percent more nonresidential or mixed use floor area

TABLE 21.1

ZONING DISTRICT	REQUIRED OPEN SPACE
All residential districts.	Single-family/duplex subdivisions: 10% of subdivision lot area. Other residential: 500 square feet of open space per unit or 10% of lot area, whichever is greater. Nonresidential uses (e.g., churches, schools, etc.): 10% of lot area.
All other districts, excluding MS (exempt from these requirements)	5% of lot area

21.2-2 Land designated as future open space. Regardless of the requirements and exemptions of this subsection, any portion of the site of the proposed development that is designated as future open space or greenway in any

official plan adopted by the Town of Jamestown shall be reserved for open space. This area may be counted toward the total amount of open space required for the development.

If the total amount of land required to comply with the area designated as future open space or greenway is less than the total amount of open space required for the development by the above table, then the developer shall provide additional open space to meet the requirement of the above table. If the amount of land designated as future open space or greenway exceeds the total amount of open space required by the above table, then the developer must still provide the open space designated in the official adopted plan.

As compensation for any open space dedication associated with implementing any official adopted plan above that requirement listed in the above table, the developer is eligible for a density bonus of one dwelling unit per each 1,000 square feet of land area in excess of that required in the above table or 500 square feet of nonresidential gross floor area per each 1,000 square feet of land area in excess of that required in the above table, up to a maximum of a 25 percent increase above the maximum density or intensity allowed in the applicable zoning district. All other regulations, such as erosion control and watershed requirements, shall be complied with when using the density bonus provision of this section.

21.2-3 Minimum open space area. Individual areas designated as open space areas shall not contain less than 500 square feet, although smaller areas may be approved by the Planning Director if the intent of this ordinance is determined to be met.

21.2-4 Improvement of open space. With the exception of Natural and Agricultural Open Space, open space shall be planned and improved, accessible and usable by persons living nearby. Improved shall mean cleared of underbrush and debris and may contain one or more of the following improvements: landscaping, walls, fences, walks, statues, fountains, ball fields, and/or playground equipment. Walls and fences shall be made of brick, stone, wrought iron, or wood and shall not exceed 3.5 ft. in height. (Exceptions: fences used in conjunction with ball fields).

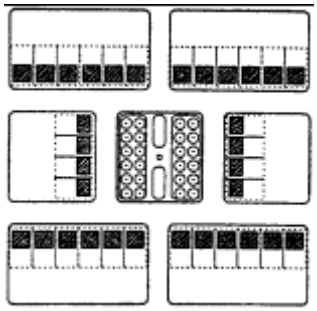
21.2-5 Design and location. In major subdivisions and multi-building developments in all zoning districts except Agricultural, open space shall be integrated into the design of the site. In subdivisions where 50% or more of the lots are less than one acre in size, open space shall be located within ¼ mile of at least 90% of the building lots, as measured along the rights-of-way of streets providing access between the two. In subdivisions where 50% or more of the lots are 1 acre or more in size, open space shall

be located within ½ mile of at least 90% of the building lots, as measured along the rights-of-way of streets providing access between the two.

21.2-6 Focal point. Open space features should provide focal points for the neighborhood. A central square or green, for example, may comprise a majority of the open space. There should be a hierarchy of open space within new neighborhoods so that open space serves the needs of multiple age groups.

21.2-7 Types of open space. Open space types include Squares, Parks, Forecourts, Plazas, Greenways, and Natural and Agricultural. Standards for these open space types are set forth below:

(A) Squares

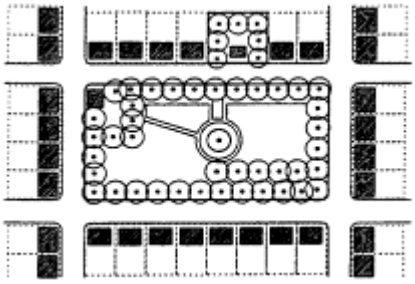


Squares are areas for passive recreational use. Squares shall be bounded by streets on a minimum of three sides or 75% of their perimeter.

Squares should be used in tight urban environments where residents have little yard space. Squares are used to bring a more natural landscape into an urban environment. As such, not more than 25% of a square should be impervious surface coverage. Hardscaping should be decorative, (example brick pavers instead of asphalt for walkways).

Min size: 500 sq. feet
Max Size: 1/2 acre

(B) Parks

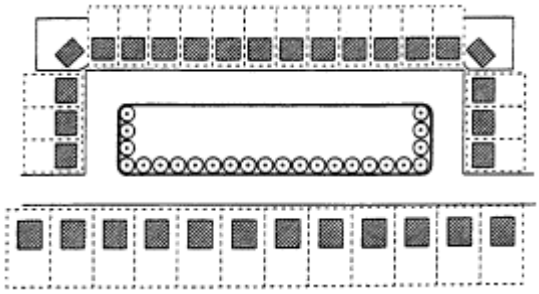


Parks are areas for passive or active recreational use. Parks should be bounded by streets on a minimum of two sides or 50% of their perimeter.

Minimum Size: ¼ acre
Maximum Size: 3 Acres. Maximum size may exceed three acres if the park serves multiple neighborhoods or preserves environmental features.

Parks should be areas where passive and active recreation occur simultaneously (example: park benches for elderly and a tot-lot for young children), encouraging intergenerational interactions among park users.

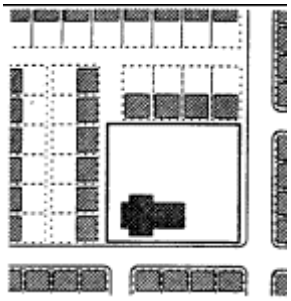
(C) Forecourt



Forecourts are open spaces that act as buffers between residential buildings and streets or non-residential buildings. Forecourts are entirely bounded by buildings or streets. It is recommended that forecourts be planted parallel to all street right-of-ways.

Minimum Size: 500 sq feet
Maximum Size: ¼ acre

(D) Plaza



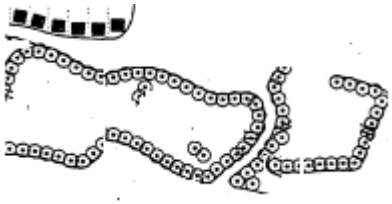
A plaza is an open area adjacent to a civic or commercial building. Plazas should be planted with deciduous trees to provide shade in the summer (example: the NC State Capital Building lawn in Raleigh, NC). Plazas function as gathering places and may incorporate a variety of non-permanent activities such as outdoor farmers markets or craft fairs. Limited parking is permissible on plazas. Plazas should match the architectural style of the buildings that they are adjacent to regarding materials and design. Plazas shall be level or gently sloping.

Minimum Size: 2000 sq feet
Maximum Size- ¾ acre

(E) Greenways

Greenways are spaces designed to incorporate natural settings such as creeks and significant stands of trees within a neighborhood. Greenways should have streets or pedestrian ROWs parallel to or integrated into at least 75% of their length. Greenways are used for walking, jogging, biking, and they are used as wildlife corridors. Greenways may have infrequent small-scale active recreational facilities such as playgrounds, although the majority of greenways should be for passive recreation.

(F) Natural and Agricultural Open Space



Natural and Agricultural Open Space preserves agricultural lands, environmentally sensitive areas, scenic views, cultural features, and rural character that would likely be lost through conventional development approaches. To accomplish this goal, The Town of Jamestown encourages creativity and allows for greater flexibility in the design of developments through use of the Cluster Development Overlay District (Article 8).

Natural and Agricultural Open Space shall be placed in preserves, which may adjoin housing areas that have been designed more compactly to create larger areas that may be enjoyed equally by all residents of the development.

21.2-8 Open Space Ownership and Conservation Easement. Open space may be owned or administered by one or a combination of the following methods: fee simple ownership by a unit of government or private non-profit land conservancy; owned by a homeowners association; or by individual private ownership such as a farmer, developer or other private entity that maintains the open space (i.e. farming, equestrian facility, etc.).

All lands within areas required to be maintained as open space shall be protected by a permanent conservation easement, prohibiting further development, and setting other standards safeguarding the site's special resources from negative changes.

Public use of the open space may be limited to residents of the development except for land used for public sidewalks and multi-use trails.

21.2-9 Maintenance. The owner or lessee of the property designated as the open space shall be responsible for the maintenance of the open space area. Landscaped areas shall be maintained in good condition and the entire area shall be kept clear of debris. Failure to maintain the area shall constitute a violation of this ordinance and subject the violator to the penalty provisions of Article 23 if not corrected within 30 days of notification. Alternatively, if acceptable to the Town, as applicable, the land may be dedicated to the city for public use and thereafter maintained by the Town.

21.2-10 Land Acceptable for Open Space Designation. The classes of land enumerated below may be utilized to meet the requirements of this section:

(A) Open water, wetlands, and undisturbed floodplains may account for up to 50 percent of the requirement.

(B) Land used for public sidewalks significantly in excess of standard sidewalk requirements, streetscape and hardscape areas accessible to the public including sidewalk cafe areas, areas containing public art, and similar urban open space amenities.

(C) Land on which locally or nationally designated historic structures are located and determined to be contributing to the designation.

(D) Land which exceeds a 10 percent slope may be used to provide up to 50 percent of the required open space if existing slopes and vegetation so designated remain undisturbed.

(E) Land used for stormwater retention, provided such land is natural in appearance and is not separately fenced, may be used for up to 50 percent of the required open space; green roofs are eligible to be counted as open space under this provision. Additionally, land used for stormwater retention, provided such land is natural in appearance and is not separately fenced, that is developed using best management practices (e.g., constructed wetlands, rain gardens, green roofs or similar features), and either exceeds the required amount of retention or treats off-site stormwater may be used for up to 100 percent of the required open space at the discretion of the Planning Director after consultation with the Public Works Director.

(F) Land available to residents or tenants for active or passive recreation, including parks, walking trails not used to meet sidewalk requirements, playgrounds, benches, picnic tables, and similar land uses or facilities

(G) Land that is suitable for agriculture, land that has environmentally sensitive areas (ex. mature trees), or land that has cultural significance (ex. important view such as a rural entrance into Town).

21.2-11 Land not Acceptable for Open Space Designation: The classes of land enumerated below shall not be utilized to meet the requirements of this section:

(A) Land that is contaminated with hazardous or toxic waste or materials as defined by state or federal regulations, with the exception of land covered by an approved mitigation plan and deemed acceptable to the Town or land that is designated in an officially adopted Open Space or Greenway master plan.

(B) Land occupied by streets, drives, parking areas, required landscape buffers, or structures other than recreational structures

(C) Land with a minimum width less than 24 feet unless part of a greenway system or specifically approved by the Planning Director. Mixed use developments in the TND district are exempt from the minimum width requirement.

21.3. Fee-in-Lieu.

For open space requirements of 5,000 or less square feet in area and not involving property designated as a greenway on any official plan adopted by the Town of Jamestown, a property owner may elect to pay a fee-in-lieu of open space instead of providing the open space provided that the Planning Director deems that there is reasonable existing or future open space proximate to the subject parcel. For other required open space areas, a property owner may pay a fee-in-lieu of open space designation for all or a portion of the open space requirement if such fee-in-lieu is acceptable to the Town. For developments and subdivisions containing more than 50 residential units, the fee-in-lieu option may only be used for up to 50 percent of the open space requirements in order to ensure that these larger projects provide on-site open space for their residents.

This fee shall be calculated by using the pro rata value of the designated property relative to the value of the entire site to be developed using tax appraisal data; for properties covered by agricultural or other exemptions, the Town may utilize a separate appraisal method in its sole discretion. Funds collected in this manner shall be maintained in a separate account and shall be used to purchase or to enhance recreational use of property provided such features are reasonably proximate to the site(s) from which the funds are collected. Where practical, the collected fees for each project shall be designated for specific parks and recreation acquisitions and/or enhancements by the Town.

ARTICLE 22
NONCONFORMITIES

22.1 Purpose

It is recognized that, over time, lawful nonconformities may develop as a result of amendments to the zoning map or unified development ordinance which change the application of Town of Jamestown development regulations to particular properties. It is important that such properties, while nonconforming, be adequately maintained and permitted to continue, but not expanded or enlarged in any fashion that increases the extent of nonconformity. Where possible, such nonconformities should be made, wholly or incrementally, conforming.

22.2 Application

The provisions of this section apply only to lawful nonconformities, except as noted below. Nonconformities other than lawful nonconformities shall be considered violations of the unified development ordinance. This article shall not apply, however, to any feature which is the subject of a variance from particular regulations that has been granted by an authorized reviewing board or commission or to applications of flexible development standards to such features. Where a variance or flexible development standards determination has been granted for a feature which does not otherwise conform to the requirements of this chapter, that feature shall be deemed conforming. Nonconformities associated with signs are addressed in Article 17.

22.3 Dimensional Nonconformities

22.3-1 Lawfully Established Nonconforming Lots. Lawfully established nonconforming lots having one or more dimensional nonconformities may be used for any permitted or conditional use allowed in the zoning district in which the lot is located provided that any structure or expansion/addition to an existing structure proposed for the use meets all applicable dimensional and numerical requirements and all applicable procedures are followed. Such lots may be recombined with adjoining lots to increase the extent of their conformity provided new nonconformities are not created.

22.3-2 Structures. Structures having one or more dimensional nonconformities may be used for any permitted or conditional use allowed in the zoning district in which structure is located, and, upon any change in use, shall comply with the landscaping, buffering, and parking requirements of Articles 11 and 12. Structures may be expanded or enlarged, provided the extent of the applicable nonconformity is not increased or new nonconformities are not created by expansion or enlargement. Expansions, enlargements or reconstruction of such structures to an extent equal to or greater than fifty percent of appraised value, shall require such structures to meet all applicable dimensional and numerical requirements, except density, which may be retained at the prior nonconforming level

but not increased. For the purpose of this section, the value of any expansions, enlargements, or reconstruction of such structures over a three year period shall be cumulated in calculating the fifty percent threshold. A structure undergoing renovation (defined in Article 3) having a renovation cost equal to or greater than fifty percent of the structure's appraised value shall not be subject to the above provisions but shall be required to meet the landscaping, buffering, and parking provisions of Articles 11 and 12.

22.4 Nonconforming Uses

22.4-1 Discontinuation of Nonconforming Uses. A nonconforming use is allowed to continue unless the use is discontinued for a period of 180 or more consecutive days, and there are no substantial good faith efforts to re-establish the use during this period. Obtaining permits to maintain the existing use or significant continuous efforts to market the property for sale or lease for the existing use (e.g., MLS listing, realtor contract, etc.) shall be regarded as substantial good faith efforts. A nonconforming use shall be deemed discontinued after a period of 365 consecutive days regardless of any substantial good faith efforts to re-establish the use. Thereafter, the structure or property associated with the use may be used only for conforming use. Conditional uses discontinued for a period of 365 or more consecutive days shall be regarded as nonconforming uses and shall not be re-established without new conditional use permit approval. The Town is required to bring enforcement action within 10 years of discontinuation of any nonconforming use, or the use in question may continue without interference from the Town. Additionally, the Town may prevent any nonconforming use from restarting a terminated use for 10 years from the time of expiration of the use.

22.4-2 Replacement of One Nonconforming Use with Another Nonconforming Use. A nonconforming use may be allowed to be replaced by another nonconforming use of equal or lesser impact upon a finding by the Planning Board that the proposed use is more nearly compatible with the surrounding properties than the nonconforming use which it replaces, as measured by traffic or noise generation, site activity, hours of operation, and other factors that the Planning Board finds relevant to compare or differentiate between the existing use(s) and the proposed replacement use(s). The Planning Board may establish reasonable conditions to ensure that use compatibility is maintained as approved. Application for replacement of a nonconforming use with another nonconforming use may be made to the Planning Board and the Planning Department may request plans or other information to determine impacts as necessary. Applicants may be required to pay plan review fees or other published fees as necessary.

22.4-3 Nonconforming Outdoor Storage. Outdoor storage uses not in compliance with the screening requirements of Article 24 (the Town of Jamestown

Nuisance Abatement and Property Maintenance Code) shall be brought into compliance with such requirements within 180 days of the effective date of this ordinance or the date of actual receipt of a notice of violation, whichever is later.

22.5 Nonconformities Associated with Manufactured Homes.

Dimensional or use nonconformities associated with manufactured homes shall be addressed in the following manner.

22.5-1 Replacement of One Manufactured Home with Another Manufactured Home in a Lawfully Established Manufactured Housing or Area Covered by a Manufactured Housing Zoning Overlay. Such replacement shall be permitted without regard to dimensional nonconformity provided that the replacement manufactured home is no older and no smaller than the existing manufactured home, the replacement home is placed in the same location as the original home, and such replacement occurs within 180 days of the removal of the original manufactured home. In all other situations, replacement shall be prohibited.

22.5-2 Replacement of One Manufactured Home with Another Manufactured Home in Areas Other Than a Lawfully Established Manufactured Housing Park or Area Covered by a Manufactured Housing Zoning Overlay. Such replacement shall be permitted provided that new dimensional nonconformities are not created, the replacement manufactured home is no older and no smaller than the existing manufactured home, the replacement home is placed in the same location as the original home, and such replacement occurs within 180 days of the last day of occupancy of the original manufactured home. In all other situations, replacement shall be prohibited.

22.6 Maintenance and Repair

In the interest of the public safety and health, structural alterations or remodeling of nonconforming structures or conforming structures on nonconforming lots that are required by any public law, and so ordered by a public officer in authority, shall be permitted. Routine maintenance shall also be permitted for nonconforming situations so long as no expansion of the nonconformity occurs as a result of the maintenance.

ARTICLE 23
ADMINISTRATION AND ENFORCEMENT

23.1. Applicability

This Ordinance and the provisions set forth herein shall apply to all property within the Town of Jamestown and its area of jurisdiction. The Planning Director shall have the authority to enforce the provisions of the Ordinance within this area.

23.2. Enforcement Officer

23.2-1 Establishment and Authority. Unless specifically set forth otherwise in this ordinance, the Town of Jamestown Planning Director shall be the Enforcement Officer with the duty of administering and enforcing the provisions of this Ordinance. The Planning Director may designate one or more employees of the Town to assist in the administration and enforcement this Ordinance. Orders issued by the Planning Director's designee shall have the effect as if issued by the Planning Director. The Planning Director, or designee, may enter any building, structure, or premises as provided by law, to perform any duty imposed upon him/her by this Ordinance.

23.2-2 General Duties

The Planning Director shall:

(A) establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;

(B) issue permits and certificates pursuant to this Ordinance;

(C) review and approve all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;

(D) interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;

(E) maintain all records pertaining to the provisions of this Ordinance in his/her office(s) and make said records open for public inspection;

(F) periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance;

(G) cause to be investigated violations of this Ordinance;

(H) enforce the provisions of this Ordinance;

(I) issue notice of corrective action(s) when required;

(J) use the remedies provided in this Ordinance to gain compliance;

(K) be authorized to gather evidence in support of said activities;
(L) receive appeals and forward cases to the appropriate body; and
(M) perform other duties as may be assigned by the Town Council and/or the Planning Board.

23.3 Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

23.3-1 Development Without Permit. To engage in any development, use, construction, remodeling, or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates, or other forms of authorization as set forth in this Ordinance.

23.3-2 Development Inconsistent With Permit. To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

23.3-3 Violation by Act or Omission. To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the Town Council or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

23.3-4 Use in Violation. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure or to use any land in violation or contravention of this Ordinance, or any other regulation made under the authority conferred thereby

.

23.3-5 Subdivide in Violation. To subdivide land in violation of this Ordinance or transfer or sell land by reference to, exhibition of, or any other use of a plat or map showing a subdivision of the land before the plat or map has been properly approved under this Ordinance and recorded in the Office of the Register of Deeds of Guilford County. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land does not exempt the transaction from violation of this Ordinance.

23.3-6 Continuing Violations. Each day's violation of any provision of this Ordinance is a separate and distinct offense.

23.4 Enforcement Intent

It is the intention of this Ordinance, unless otherwise provided, that all questions arising in connection with the enforcement of this Ordinance shall be presented first to the Planning Director and that such questions shall be presented to the Board of Adjustment only on appeal from the Planning Director’s decision. An

appeal from the decision of the Board of Adjustment shall be by proceedings in the nature of certiorari to the Superior Court of Guilford County as provided by law.

23.5 Enforcement Procedure

When the Planning Director or his/her agent finds a violation of this Ordinance, it shall be his/her duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

23.5-1 Notice of Violation. If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Planning Director shall give the owner or occupant written notice, by certified or registered mail to his last known address, or by personal service, by posting notice of the violation conspicuously on the property, or in accordance with Rule 4 of the North Carolina Rules of Civil Procedure. The notice of violation shall include, but not be limited to:

(A) that the land, building, sign, structure, or use is in violation of this Ordinance;

(B) the nature of the violation, and citation of the section of this ordinance violated;

(C) the measures necessary to remedy the violation;

(D) the opportunity to cure the violation within a prescribed period of time.

Where the person violating a provision of this article is not the owner of the property, the Town shall send a notice of violation to both the tenant and the owner of the property.

23.5-2 Extension of Time to Remedy. Upon receipt of a written request from the alleged violator or the property owner for an extension of time to remedy or correct the violation, the Planning Director or other Town official charged with the duty of enforcing the regulations(s) being violated may grant a single extension of time, not to exceed a period of 30 calendar days, in which the alleged violator may cure or correct the violation before the Town pursues enforcement action as provided for in this section.

23.5-3 Appeal. Any owner or occupant who has received a Notice of Violation may appeal in writing the decision of the Planning Director to the Board of Adjustment (unless this Ordinance has specified that another board shall hear the appeal of the violation) within fifteen (15) calendar days following the date of the Notice of Violation.

The Board of Adjustment, or other designated board, shall hear an appeal within a reasonable time, and it may affirm, modify, or revoke the Notice of Violation. In the absence of an appeal, the remedies and penalties sought by the Planning Director in the Notice of Violation shall be final. Notice of such hearing shall be provided as required by this Ordinance and

state statutes.

23.5-4 Order of Corrective Action. If upon a hearing held pursuant to an appeal as prescribed above, the Board of Adjustment shall find that the owner or occupant is in violation of this Ordinance, the Board of Adjustment shall make an order in writing to the owner or occupant affirming the violation and ordering compliance.

23.5-5 Failure to Comply with an Order. If the owner or occupant of a property fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law and Section 23.6 (Remedies). If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

23.6 Remedies

Anyone or all of the following procedures may be used to enforce the provisions of this Ordinance.

23.6-1 Injunction. Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

23.6-2 Civil Penalties. Any person who violates any provisions of this Ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 23.7 (Civil Penalties - Assessments and Procedures).

23.6-3 Denial of Permit or Certificate. The Planning Director may withhold or deny any permit, certificate, occupancy permit or other form of authorization on any land, building, sign, structure, or use in which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, or other authorization previously granted.

23.6-4 Conditional Permit or Temporary Certificate. The Planning Director may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

23.6-5 Stop Work Orders. Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this

Ordinance, the Planning Director may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with NCGS 160A-421 or 153A-361, as applicable, or the NC Building Code.

23.6-6 Revocation of Permits. The Planning Director may revoke and require the return of a permit by notifying the permit holder in writing stating the reason for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws, or for false statements or misrepresentations made in securing the permit. Any permit mistakenly issued in violation of an applicable state or local law may also be revoked.

23.6-7 Criminal Penalties. Any violation of this Ordinance shall be a misdemeanor or infraction as provided by NCGS 14-4.

23.7 Civil Penalties – Assessment and Procedures

23.7-1 Penalties. Any person who violates any provisions of this Ordinance shall be subject to assessment of a civil penalty in the amount of $100.00 for the first and each successive violation of the same provision.

23.7-2 Notice. No civil penalty shall be assessed until the person alleged to be in violation has been notified of the violation in accordance with Section 23.5-1 (Notice of Violation). If after receiving a notice of violation under Section 23.5-1, the owner or other violator fails to take corrective action within ten (10) days, a civil penalty may be imposed under this Section in the form of a citation. The citation shall be served in the manner of a Notice of Violation. The citation shall state the nature of the violation, the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within fifteen (15) days of the date of the notice. The following penalties are hereby established:

Warning Citation	Correct Violation Within 10 Days
First Citation	$50.00
Second Citation for Same Offense	$100.00
Third and Subsequent Citations for Same Offense	$500.00

If the offender fails to pay the civil penalties within fifteen (15) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt.

23.7-3 Responsible Parties. The owner or occupant of any land, building, structure, sign, or use of land or part thereof and any architect, builder, contractor, agent, or any other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of the requirements of this Ordinance may be held responsible for the violation and subject to the civil penalties and remedies herein provided.

23.7-4 Continuing Violation. For each day thereafter (ten day notice and 15 days to pay penalty after notice), if the violation is not corrected, the violator will be guilty of an additional and separate offense and subject to additional civil penalty.

23.7-5 Demand for Payment. The Planning Director shall make written demand for payment upon the property owner or the person in violation, and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

23.7-6 Nonpayment. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to legal counsel for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the civil penalty. Provided, however, if the civil penalty is not paid within the time prescribed, the Planning Director may have a criminal summons or warrant issued against the violator. Upon conviction, the violator shall be subject to any criminal penalty the court may impose pursuant to NCGS 14-4.

23.8 Other Powers and Actions

23.7-7 State and Common Law Remedies. In addition to other enforcement provisions contained in this Article, the Town Council may exercise any and all enforcement powers granted to it by state law or common law.

23.7-8 Previous Enforcement. Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions.

23.9 Remedies Cumulative and Continuous

23.9-1 Cumulative Violations. All such remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular

remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

23.9-2 Repeat Violations. If an owner or occupant repeats the same violation within a five year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies.

23.10 Action by Others

23.10-1 Adjacent or Neighboring Property. In addition to the remedies available to the Town of Jamestown hereunder, if any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, any other appropriate authority or any adjacent, nearby, or neighboring property owner who would be affected by such violation may institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of such building, structure, or land, or the continuance of any construction whatsoever in violation of this Ordinance.

23.10-2 Land Purchaser. In the event that a purchaser buys land for which there is a surety to secure performance of improvements, after a period of two (2) years has passed since the date of Final Plat recordation, the purchaser may bring action to enforce completion of the improvements. In such a case, the purchaser may seek specific performance.

23.11 Summary Removal of Signs/Sign Structure; Remove Orders for Signs/Sign Structure

23.11-1 Summary Removal. Pursuant to N.C. Gen. Stat. § 160A-193, the Town shall have the authority to summarily remove, abate, or remedy a sign or sign structure which the Town determines to be dangerous or prejudicial to the public health or safety. The expense of the action shall be paid by the sign owner, or if the sign owner cannot be ascertained, by the property owner, and if not paid, there shall be a lien placed upon the land or premises where the nuisance arose, and it shall be collected as unpaid taxes.

23.11-2 Prohibited Signs a Public Health Nuisance. Pursuant to N.C. Gen. Stat. §§ 160A-193 and 160A-296, any signs or sign structures prohibited by Article 17 of this Ordinance are hereby declared to be a public health nuisance in that they are dangerous or prejudicial to the public health or public safety and the Planning Director shall have the authority to remove summarily the sign and/or sign structure.

23.11-3 Remove Order. The Planning Director shall have the authority to issue a remove order for any sign not repaired or brought into compliance within the time

prescribed by a notice of violation. Remove orders shall be issued to and served upon the sign/sign structure owner, or if the sign/sign structure owner cannot be ascertained, to and upon the property owner by the means set forth in section 23.5-1. The sign or sign structure shall be removed 30 days after the service of the remove order at the expense of the offender. The remove order shall describe with particularity the location of the sign or sign structure to be removed and the reason(s) for issuance of the remove order, including specific reference to the provisions of Article 17 of this ordinance that have been violated.

Failure to Comply. In the event of failure to comply with the requirements of a remove order, the Planning Director may cause such sign or sign structure to be removed. The sign owner and property owner may be jointly and separately liable for the expense of removal. Notice of the cost of removal shall be served as set forth in section 23.5-1. If said sum is not paid within 30 days thereafter, said sum may be collected by the Town in a civil action in the nature of debt, which shall not subject the offender to the penalty provisions of N.C. Gen. Stat. § 14-4.

ARTICLE 24
NUISANCE ABATEMENT AND PROPERTY MANAGEMENT CODE

24.1Title

This article shall be known as the Town of Jamestown Nuisance Abatement and Property Maintenance Code.

24.2Purpose

The Town of Jamestown has determined that poorly maintained properties can lead to neighborhood decline by contributing to lower property values and by and discouraging potential buyers from purchasing in neighborhoods with poorly maintained properties. Additionally, the Town has determined that poorly maintained properties create public safety impacts, including creating fire and other life safety hazards, serving as places for the infestation of insects and vermin, and creating attractive public nuisances. The Town recognizes that it has an obligation to protect its residential and nonresidential neighborhoods from decline and devaluation and to maintain public health and safety. Consequently, the Town has established the following regulations for nuisance abatement and the maintenance of properties within its corporate jurisdiction and its extraterritorial jurisdiction.

24.3Scope

The provisions of this code shall apply to all structures, premises and properties within the corporate jurisdiction of the Town of Jamestown and its extraterritorial jurisdiction.

24.4Maintenance of Structures

24.4-1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking, and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces, except that surfaces designed for stabilization by oxidation, such as copper roofs and flashing, are exempt from this requirement. The following standards are established for particular exterior features of structures:

- Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.
- Structural members. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of insects and vermin.
- Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials and maintained to prevent deterioration.
- Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Water from roofs shall not be discharged in a manner that creates a public nuisance.
- Decorative features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- Overhang extensions. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and properly anchored. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or other surface treatments.
- Stairways, decks, porches, and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained in a structurally sound condition, with proper anchorage and support capable of handling normally imposed loads.
- Chimneys and towers. All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained in a structurally safe and sound condition. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or other surface treatments.
- Handrails and guards. Every handrail and guard shall be firmly fastened in a manner capable of supporting normally imposed loads and shall be maintained in good condition.

- Window, skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, in good repair and weather-tight.
- Glazing. All glazing materials shall be maintained free from cracks and holes.
- Operable windows. Every window, other than a fixed window, shall be easily operable and capable of being held in both open and closed positions by window hardware.
- Insect screens. Every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch. Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed. Where required and installed, screens shall be maintained in good condition, free of holes and other openings.
- Doors. All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.

24.4-2 Vacant or unoccupied structures. Vacant or unoccupied structures shall be maintained in accordance with the standards provided in section 24.4-1 above. Such structures shall be further maintained so as to prohibit unauthorized entry.

24.4-3 Structures undergoing demolition. Structures undergoing demolition shall be maintained to protect public safety, health, and welfare. In particular, demolition operations shall:

- Minimize the off-site release of dust and other particulates.
- Be maintained and secured so as to not create an attractive public nuisance.
- Remove salvage materials, debris, and rubble periodically so as to maintain safe on-site working conditions.
- Result in full and complete post-demolition cleanup, including the removal of all debris and rubble and maintaining compliance with the property maintenance standards in section 24.5 below.

As part of demolition permitting, the Town may require the posting of performance bonds or other financial guarantees as deemed necessary to ensure compliance with these regulations.

24.4-4 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the

occupants of the structure because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible. Unsafe structures shall be subject to the enforcement procedures provided in section 24.6 below.

24.5 Maintenance of Property and Premises.

24.5-1 General. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. Specific standards for exterior features and situations are provided as follows:

- Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon, except for approved retention areas and reservoirs.
- Sidewalks and driveways. All sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Public sidewalks shall not be blocked by trees and other vegetation located on adjoining private properties and shall be kept clear of weeds, litter, and other potential obstructions by the adjoining private property owner.
- Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of nine inches other than trees, shrubs, and cultivated flowers and gardens.
- Rodent and insect harborage. All structures and exterior property shall be kept free from rodent and insect harborage and infestation. Where rodents or insects are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent and insect harborage and prevent reinfestation.
- Exhaust vents. Pipes, ducts, conductors, fans, or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- Accessory structures. All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair.
- Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided

that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- Defacement of property. No person shall willfully or wantonly damage, mutilate, or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving, or graffiti unless specifically allowed by the Town. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair in a reasonably expeditious fashion, not to exceed 30 days.
- Swimming pools, hot tubs, and spas. Swimming pools, hot tubs, and spas located exterior to a structure shall be maintained in a clean and sanitary condition and in good repair. Private swimming pools, hot tubs, and spas containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool, hot tub, or spa. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No such enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.
- Accumulation of rubbish or garbage. All exterior property and premises shall be free from any accumulation of rubbish or garbage, including trash, junk, debris, dead vegetation, building materials, accumulations of newspapers, circulars, and flyers, and discarded personal items such as furniture, clothing, and large and small appliances. Every occupant of a structure shall dispose of all rubbish and garbage in a clean and sanitary manner by placing such rubbish and garbage in approved containers supplied by the owner of every occupied premises. The owner of the property or premises shall be responsible for the removal of rubbish and garbage.
- Refrigerators and other large appliances. Refrigerators and other large appliances not in operation shall not be discarded, abandoned, or stored in an exterior location on any premises. Refrigerators shall not be placed in an exterior location for pick-up and disposal by the Town of Jamestown without removal of the doors. Refrigerators and other large appliances shall not be placed in an exterior location for more than five (5) days for pick-up and disposal by the Town of Jamestown.
- Outdoor storage of equipment, appliances, raw materials for manufacturing, items being recycled, vehicles undergoing repair or dismantling, and similar items used or sold in the conduct of a business shall be screened from view from areas off the premises by fencing or landscaping. Goods or other items that are part of approved

outdoor displays, such as cars for sale at a new or used car lot, seasonal plants and vegetables for sale at a lawn and garden store, etc., shall be exempt from this requirement.

24.6 Administration

24.6-1 Responsibility for administration. The Town of Jamestown Planning Director, or his/her designee, shall be responsible for the administration of these regulations. Such duties shall include the review and evaluation of complaints regarding nuisances and unmaintained properties, the inspection of structures, properties, and premises perceived to be in violation of these regulations, the pursuit of remedies for violations of these regulations, and the assignment of penalties as specified in these regulations for the purpose of obtaining regulatory compliance.

24.6-2 Review and evaluation of complaints. Citizen complaints regarding nuisances and unmaintained properties shall be presented in writing to the Planning Director. Upon receiving the complaint, the Planning Director shall review and evaluate said complaint. This review and evaluation may include inspection(s) of the subject property, meetings with the property owner(s), and other actions as needed to prepare a thorough evaluation of the complaint. Upon completion of the evaluation, the Planning Director shall prepare a report detailing his/her evaluation for presentation to the Jamestown Town Council. This report shall include a recommendation regarding action to be taken in response to the complaint. This report shall be forwarded to the Town Council for review and action at a regularly scheduled meeting. Upon reviewing the report, the Town Council shall direct staff regarding action to be taken in response to the complaint.

24.6-3 Inspections. The Planning Director or designee shall personally make all of the required inspections, or shall accept reports of inspection by qualified third-party agencies or individuals. All reports of such inspections shall be in writing and shall be certified by a responsible officer of such qualified agency or individual. The Planning Director or designee is authorized to engage such expert opinion as deemed necessary to satisfactorily administer these regulations. Payment of inspection costs associated with third-party agencies or individuals shall be assigned to the owner of record of the subject structure, property or premises upon determination that a violation exists and shall be so noted in the notice of violation.

24.6-4 Right of entry. In carrying out these duties, the Planning Director or designee is authorized to enter such structures, properties, or premises at reasonable times. If entry is refused or not obtained, recourse shall be pursued as provided by law.

24.6-5 Relief from personal liability. Any official, officer, employee, or authorized qualified third-party agency or individual charged with the enforcement of this code, while acting for the Town, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of the official duties described herein.

24.7 Enforcement.

24.7-1 General enforcement. Except for unsafe structures, a violation of these regulations shall be enforced as provided below. In no case shall violations of this ordinance be considered criminal offenses except as specifically provided by statute.

24.7-2 Notice of violation. The Planning Director shall provide notice of the violation and any required remedies. The notice of violation shall be served by any means authorized under G.S. 1A-1, Rule 4, and shall direct the violator to correct the violation within 30 days after receipt of the notice of violation. The violator may be the property owner, the leasehold tenant, or occupant, or any combination thereof deemed necessary to ensure compliance with these regulations.

24.7-3 Failure to comply with a notice of violation. Any person who fails to comply with a notice of violation of any of the provisions of this Article shall be subject to a civil penalty of five hundred dollars ($500.00). A civil penalty may be assessed from the date of the violation. Each day of a continuing violation shall constitute a separate violation. The decision of the Planning Director to assess a civil penalty may be delivered by personal service, by registered mail or certified mail returned receipt requested, or by any means authorized under G.S. 1A-1, Rule 4.

24.7-4 Appeal to Superior Court. Every decision of the Planning Director to assess a civil penalty shall be subject to review by the Guilford County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the clerk of Superior Court within 30 days after the decision of the Planning Director to assess a civil penalty.

24.7-5 Failure to Appeal and/or Pay. Any civil penalty assessed a person who violates the provisions of these regulations shall be recovered by the Town in a civil action in the nature of a debt, to be brought in the Guilford County Superior Court if the violator fails to give notice of

timely appeal and fails to pay the penalty within the prescribed period of time after he or she has been cited for the violation.

24.7-6 Unsafe structure enforcement. An unsafe structure is one that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure because it is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation that partial or complete collapse is possible. Such structures shall be condemned and removed in accordance with the provisions of G.S. 160A-426 through 160A-432 and this article.

24.7-7 Posting. Upon determination that an unsafe structure exists, the Planning Director shall post a notice of condemnation in conspicuous place on the exterior wall of the building as required in G.S. 160A-426. Such notice may order the structure closed up to the extent necessary to not constitute an attractive nuisance.

24.7-8 Removal of notice of condemnation. Any person removing a notice of condemnation posted by the Planning Director shall be guilty of a civil penalty as specified in G.S. 160A-427.

24.7-9 Vacation. Any occupied structure condemned and posted by the Planning Director shall be vacated as ordered by the Planning Director.

24.7-10 Notice; failure to take corrective action. If the owner of a structure that has been condemned as unsafe pursuant to G.S. 160A-426 fails to take prompt corrective action, the Planning Director shall give him written notice, by certified or registered mail to his last known address or by personal service. The notice shall specify that the building or structure is in a condition that appears to meet one or more of the following conditions:

- Constitutes a fire or safety hazard.
- Is dangerous to life, health, or other property.
- Is likely to cause or contribute to blight, disease, vagrancy, or danger to children.
- Has a tendency to attract persons intent on criminal activities or other activities which would constitute a public nuisance.

The notice shall further specify that a hearing will be held before the Planning Director at a designated place and time, not later than 10 days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and that following the hearing, the Planning Director may issue such order to repair, close, vacate, or demolish the building or structure as appears appropriate.

24.7-11 Alternative notice. If the name or whereabouts of the owner cannot after due diligence be discovered, the notice shall be considered properly and adequately served if a copy thereof is posted on the outside of the building or structure in question at least 10 days prior to the hearing and a notice of the hearing is published in a newspaper having general circulation in the Town at least once not later than one week prior to the hearing.

24.7-12 Order to take corrective action. If, following the hearing described above, the Planning Director finds that the structure is unsafe, he or she shall issue an order that specifies the corrective action that must be taken by the property owner under a timeframe that complies with G.S. 160A-429.

24.7-13 Appeal of order to take corrective action. The property owner may appeal the order to take corrective action in accordance with the provisions of G.S. 160A-430.

24.7-14 Failure to comply with order. Any person who fails to comply with an order to take corrective action shall be subject to a civil penalty of up to $500 per day, with each day on which action to comply is not taken considered a separate violation. The Town may enforce the order as provided in G.S. 160A-432.

APPENDIX 1
REZONING REQUEST FORM AND PROCESS FLOW CHART

APPENDIX 2
PROTEST PETITION

APPENDIX 3
VARIANCE REQUEST APPLICATION

APPENDIX 4
DESIGN REVIE APPLICATION

APPENDIX 5
DEVELOPMENT CLEARANCE CERTIFICATE

APPENDIX 6
LETTER OF CREDIT (EXAMPLE)

APPENDIX 7
ZONING VERIFICATION REQUEST

APPENDIX 8
HOME OCCUPATION APPLICATION

APPENDIX 9
LANDS CAPE INSTALLATION WAIVER

APPENDIX 10
RARE AND SPECIMEN TREE FORM

APPENDIX 11
TREE DISTURBANCE PERMIT

APPENDIX 12
STREET CLOSING PETITION

APPENDIX 13
STREET RENAMING AND RENUMBERING REQUEST

APPENDIX 14
EASEMENT RELEASE

APPENDIX 15
SPECIAL EVENTS PERMIT APPLICATION

APPENDIX 16
FINAL PLAT APPROVAL CHECKLIST

APPENDIX 17
FINAL PLAT LANGUAGE

APPENDIX 18
SIGN PERMIT APPLICATION

APPENDIX 19
FLOOD DEVELOPMENT PERMIT APPLICATION

APPENDIX 20
LETTER OF REASONABLENESS (EXAMAPLE)

APPENDIX 21
SITE PLAN APPROVAL PROCESS FLOWCHART

APPENDIX 22
REZONING/TEXT AMENDMENT PROCESS FLOWCHART

APPENDIX 23
TREE SPECIES LISTS

APPENDIX 24
PERMITTED USE TABLES

APPENDIX 25
ORDINANCE AMENDMENTS