

CHAPTER 151: ZONING CODE

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General Provisions

§151.01 STATUTORY AUTHORITY.

In pursuance of the authority granted by the N.C.G.S. Ch. 160A, Art. 19, Part 3, this chapter is ordained by the Town Board or Commissioners.

(Ord. passed 12-16-85)

§151.02 TITLE.

CHAPTER 151: Zoning Codes

This chapter shall be known and may be cited as the Town Zoning Ordinance and may be referred to as the Zoning Code.

(Ord. passed 12-16-85)

§151.03 PURPOSE.

(A) For the purpose of promoting health, safety, morals, and general welfare, this chapter is adopted by the governing body to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence, or other purposes.

(B) The zoning regulations in this code are in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.

(Ord. passed 12-16-85)

§151.04 JURISDICTION.

The area to which this chapter applies is shown on the official zoning map. The regulations presented in this chapter shall apply to all property within the corporate limits of the town, and within the territory beyond such corporate limits as now or hereafter fixed, for a distance of approximately one mile in all directions, as established by an ordinance with N.C.G.S. §160A-360, which are on file in the Office of the County Register of Deeds.

(Ord. passed 12-16-85)

§151.05 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires different meaning. Words used in the present tense include the future tense. Words used in the singular number include to plural, and words used in the plural include the singular. Words used in the masculine gender include the feminine gender.

ABUTTING. The property directly touches another piece of property.

ACCESSORY BUILDING, STRUCTURE, OR USE. A building, structure, or use on the same lot with, or of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure.

ALLEY. A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

BOARD OR ADJUSTMENT. The Board of Adjustment of the Town of Warrenton, North Carolina, established by this chapter.

BUILDING. Any structure having a roof supported by columns or by walls, and intended for shelter, housing, or enclosure of persons, animals or chattels.

BUILDING, HEIGHT OF. The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the height level between the eaves and ridge of a gable, hip, or gambrel roof.

CONDOMINIUM. A project meeting the requirements of the N.C.G.S. Ch. 47A. The type of structure and use rather than the condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

DWELLING, MULTI-FAMILY. A building arranged to be occupied by more than two families, the building having more than two dwelling units, but excluding mobile homes and townhouses.

DWELLING, SINGLE-FAMILY. A building arranged to be occupied by one family, the building having only one dwelling unit, but excluding mobile homes and townhouses.

DWELLING, TWO-FAMILY. A building arranged to be occupied by two families, the building having two dwelling units, but excluding mobile homes and townhouses.

DWELLING UNIT. A building or portion thereof designed, arranged, and/or used for the living quarters for one or more persons living as a single family, with cooking facilities, excluding units in rooming, boarding, and tourist houses, family or group care homes, or hotels or motels or other buildings designed for transient residence.

FAMILY. One or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding five living together as a single housekeeping unit though not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the state.

FAMILY CARE HOME. A facility as defined in N.C.G.S. §168-21.

FLOOR AREA, GROSS. The number of square feet of total floor area bounded by the exterior faces of a structure, plus the number of square feet of unenclosed space devoted to the conduct of the use, excluding basements and unenclosed porches, balconies, and terraces, unless used in conjunction with the use, such as for outdoor eating, merchandising, storage, assembly, or similar uses, and excluding off-street parking and loading areas.

HOME OCCUPATION. An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. **HOME OCCUPATION** shall not be deemed to include a tourist home.

JUNK YARD. Any land or area used, in whole or in part, for commercial storage and/or sale of waste paper, rags, scrap, metal, or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

KENNEL. An establishment for the keeping or breeding of dogs for profit.

LOT. A single lot of record, or more than one contiguous lot of record in the same ownership, which lot or lots of record are not divided by any street or public alley, and excluding any part of a lot or lots of record which, when served from contiguous land in the same ownership, creates a nonconformity or a lot or parcel which does not meet to dimensional requirements of this chapter. **LOT** includes **PLOT, PARCEL, and TRACT.**

LOT, CORNER. A lot which occupies the interior angle at the intersection of two or more right-of-way lines. A lot abutting on the right-of-way of a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

LOT COVERAGE, MAXIMUM IN PERCENT. The maximum percent of the lot which may be covered with structures. All yard requirements must be met in addition to lot coverage requirements.

LOT DEPTH. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. On lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of §151.29, the foremost points of the side lot lines shall be measured at the place where the access strip joins the main portion of the lot.

LOT OF RECORD. A lot which is part of a subdivision recorded with the Office of the Register of Deeds of Warren County or a lot described by metes and bounds, the description of which has been so recorded.

LOT WIDTH. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect at the right-of-way line, or

for lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of §151.29, at the place where the access strip joins the main portion of the lot) shall not be less than 80% of the required lot width, except in the case of the turning circle of cul-de-sacs where the 80% requirement shall not apply.

MAP, ZONING MAP OR WARRENTON ZONING MAP. The Official Zoning Map of Warrenton, North Carolina.

MOBILE HOME. Any vehicle or structure which is or was originally constructed, designed to be transported by motor vehicle upon a public highway and designed, equipped, used or intended to be used primarily for human habitation, including any additions, attachments, annexes, foundations and appurtenances thereto. This does not include modular homes which meet conventional home construction standards and are transported on a flatbed truck, nor does it include travel trailers and campers.

MOBILE HOME PARK. A lot or part thereof, of any parcel of land of at least five acres which is used or offered as a location for mobile homes used for residential purposes.

NET ACREAGE, ACRES, LAND AREA, SQUARE FOOTAGE OF LAND AREA. Land area with streets, right-of-ways, driveways which serve as access to more than two units or uses, and major transmission line easements not included in its measurement.

PERSON. Includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.

PLANNED UNIT DEVELOPMENT. Defined in §151.113(C).

PLANNING BOARD. The Planning Board of the Town of Warrenton, North Carolina.

PRINCIPAL BUILDING USE, OR STRUCTURE. The main use of a lot or the building or structure in or on which the main use of the lot takes place.

RESTAURANT. An establishment whose primary purpose is serving meals to patrons.

RESTAURANT, DRIVE-IN OR TAKE-OUT. Any restaurant which make provision for curbside service, outdoor service, or a drive-in window, or any restaurant more than 10% of whose average daily customers take their food or beverages out of the restaurant.

RESTAURANT, INDOOR. Any restaurant except a drive-in or take-out restaurant.

RIGHT-OF-WAY, STREET. A strip of land, owned publicly or privately, which affords the principal means of access to abutting property.

ROOF LINE. The top edge of the roof or the top edge of the parapet, whichever forms the top line of the building silhouette, but not including penthouses or equipment structures.

SHALL. It is always mandatory and not merely directory.

SHOPPING CENTER. Any building or group of buildings on the same site containing more than two retail or wholesale trade establishments.

SIGN. Any outdoor letter, symbol, number, trademark, or other form of publicity or combination of these as well as the surface on which they are painted or to which they are attached, and any background material, coloring, shapes, or other trim shall be considered a sign, unless entirely enclosed by a fence or wall such that the above items and any structure or lighting attached to or accessory to them cannot be seen off the premises on which they are located. Works of fine art which in no way identify or advertise a product or business shall be excluded from this definition.

- (1) **GROUND SIGN.** A sign erected on a freestanding frame, mast, and/or pole and not attached to any building, fence, or wall.
- (2) **IDENTIFICATION SIGN.** A sign which contains any or all of the following: the name of the occupants, owner, or establishment, the type of establishment, the name of the franchise, the hours of operation, and house number, when located on the site of the establishment.
- (3) **ON-SITE ADVERTISING SIGN.** A sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.
- (4) **OFF-SITE ADVERTISING SIGN.** A sign which contains information about an establishment, business, commodity, activity, or service not conducted, sold, or offered upon the premises where such sign is located.
- (5) **PROJECTING SIGN.** A sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.
- (6) **ROOF SIGN.** A sign attached to and extending upward from a roof of a structure.
- (7) **WALL SIGN.** A sign which is attached flat to the wall or façade of a building, or to a fence or wall.

SIGN, AREA. The area of the smallest regular polygon composed of eight lines or less, circle, half-circle, ellipse, or combination thereof, which will encompass the entire sign, excluding the base or apron, supports, or other structural members unless some part of the message appears on them, in which case they shall be included. Where symbols, letter, or numbers are attached separately to a structure, including a sign structure or to separate surfaces, the area between the separate items or letters, whether open or solid, shall be computed as part of the sign area. The total sign area for a double-faced sign shall be measured on the largest face of the sign. Where

three-dimensional figures are used as signs, the largest dimensions of such figure shall be projected on a vertical plane and measured in the standard manner.

SIGN HEIGHT. The vertical distance measured from the adjacent street grade or from the ground on which it rests, whichever allows the sign the greatest height, to the top of the sign.

STRUCTURE. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, fences, signs, and swimming pools. STRUCTURE includes BUILDING.

TOWN BOARD, GOVERNING BODY, AND WARRENTON BOARD OF COMMISSIONERS. The Board of Commissioners of the Town of Warrenton, North Carolina.

TOWNHOUSE. A single-family dwelling unit constructed in a series or group of attached units with property lines separating such units.

USED. As applied to any land or building, **USED** shall be construed to include the words **INTENDED, ARRANGED, OR DESIGNED TO BE USED.**

VARIANCE. A relaxation of the terms of this chapter under the specific conditions set forth in §151.110(D)(2).

YARD. An open space on the same lot with a principal structure or use unobstructed and unoccupied by any structure or portion thereof or parking or loading area, except as provided in this chapter.

YARD, FRONT. A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lines would have met without such rounding. The foremost points of the side lot lines in the case of lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of §151.29 shall be measured at the place where the access strip joins the main portion of the lot. However, nothing may be placed in the access strip that is not permitted by the chapter to be placed in a front yard. Front and rear yard lines shall be parallel.

YARD, REAR. A yard extending the full width of the lot and situated between the rear line of the lot and the principal structure or use projected to the side lines of the lot.

YARD, SIDE. A yard extending along either side of a lot measured from front yard line to rear yard line and lying between the side lot line and the principal structure or use on the lot.

ZONING ADMINISTRATOR. The official charged with the enforcement of the chapter.

(Ord. passed 12-16-85)

§151.06 MINIMUM REQUIREMENTS.

In its interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. Wherever the requirements of unlawfully adopted rules, regulations, ordinances, deed restrictions, or covenants are at variance with the requirements of this chapter, the most restrictive, or that imposing the highest standards, shall govern.

(Ord. passed 12-16-85)

§151.07 SEVERABILITY.

This chapter and the various parts, sections, subsections, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the chapter shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, buildings, or structures shall not be affected hereby. Whenever any condition or limitation is included in an order authorizing a zoning permit, special use permit, conditional use permit, variance, certificate of zoning compliance, certificate of occupancy, or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this chapter or the requirements of some provisions hereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was unlawful.

(Ord. passed 12-16-85)

§151.08 REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of ordinances of the town which are in conflict or inconsistent with this chapter are repealed and superseded to the extent necessary to give this chapter full force and effect.

(Ord. passed 12-16-85)

§151.09 STATUTE OF LIMITATIONS.

In accordance with N.C.G.S. §160A-364.1, a cause of action as to the validity of this chapter, or amendment thereto, shall accrue upon the adoption of this chapter or amendment thereto, and shall be brought within two months as provided in N.C.G.S. §1-54.1.

(N.C.G.S. §160A-364.1) (Ord. passed 12-16-85)

General Regulations

§151.020 APPLICATIONS OF REGULATIONS.

The regulations set forth in this chapter shall affect all land, every structure, and every use of land and/or structure and shall apply as follows:

(A) No structure or land shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, or structurally altered except in compliance with the regulations of this chapter for the district in which it is located;

(B) No structure shall hereafter be erected or altered so as to exceed the height limit or density regulations of this chapter for the district in which it is located;

(C) No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot area per dwelling unit, lot width, yard and lot coverage requirements and other requirements of this chapter are not maintained. This prohibition shall not be construed to prevent the purchase of condemnation of narrow strips of land for public utilities or street right-of-way purposes;

(D) No part of a yard or other open space required about any structure or use for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another structure or use;

(E) In any district, no more than one principal building or use may be erected on a single lot of record, except as specifically permitted in other sections of this chapter.

(Ord. passed 12-16-85)

§151.021 INTERPRETATION OF REGULATIONS.

The regulations in this chapter shall be enforced and interpreted according to the following rules:

(A) Uses not designated in the district regulations as permitted, conditional, or special uses shall be prohibited. Conditional and special uses are permitted according to the additional regulations imposed. These conditional and special uses can be approved only by the Board of Adjustment or Board of Commissioners as specified in this chapter. Additional uses may be added to the chapter by amendment;

(B) Regulations set forth by this chapter shall be minimum regulations. If the requirements set forth in this chapter are at variance with the requirements of any other lawfully adopted uses, regulations, or ordinances, the more restrictive or higher standard shall govern;

(C) Unless restrictions established by covenants with the land are prohibited by or contrary to the provisions of this chapter, nothing herein contained shall be construed to render such covenants inoperative.

(Ord. passed 12-16-85)

§151.022 EXCEPTIONS AND MODIFICATIONS.

(A) The minimum front yard requirements of this chapter for dwellings shall not apply on any lot where the average front yard of existing dwellings located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required front yard. In such cases, the front yard on such lot may be less than the adjacent dwelling with the greatest front yard depth or the average front yard of existing dwellings located wholly or in part within 100 feet on each side, whichever is greater.

(B) In any residential district for corner lots, the side yard requirements along the side street shall be increased by ten feet.

(C) The Board of Adjustment shall review, as a conditional use, structures such as church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, radio towers, masts, aerials, and similar structures, which exceed the height limitations of this chapter.

(D) Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but may not be closer than ten feet to any lot line.

(E) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed three feet and may not be closer than ten feet to any lot line.

(F) The requirements of this chapter do not apply to roads, water, sewer, gas electric, telephone, and similar utility lines except as specifically mentioned in this chapter.

(G) Lot width on lots which front on the turn-around circle of a cul-de-sac may be measured at the line formed by connecting the midpoint of the side lot line of the shorter side with a point on the longer side lot line which is the same distance from the front lot line as the midpoint of the shorter side, or if both side lot lines are the same length, at the line connecting the midpoints of the side lot lines. All yard requirements must be met on such lots. If a lot has more than two sides, the side lot lines to be used are the two which connect with the front lot line.

(Ord. passed 12-16-85)

§151.023 VISIBILITY AT INTERSECTIONS.

On a corner lot, nothing shall be left erected, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they intersect.

(Ord. passed 12-16-85)

§151.024 REGULATIONS CONCERNING HOME OCCUPATIONS.

Home occupations are permitted in all districts only as an incidental use and shall comply with the following regulations:

(A) No person other than a resident of the dwelling shall be engaged in such occupation.

(B) No more than three customers, clients, or patrons shall come to the dwelling at any one time nor more than ten in any one day.

(C) No more than two vehicles may be used in the conduct of the home occupation. Any such vehicle shall be parked off the street. The parking of any such vehicles on the property, other than an auto mobile, shall be in an enclosed building as described in §151.24(D) below, or shall be a conditional use subject to approval by the Board of Adjustment.

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(D) No more than 25% of the total actual floor area of the dwelling or 500 square feet, whichever is less, shall be used in the conduct of the home occupation. In addition, one accessory building not exceeding 1,000 square feet, shall be a conditional use in connection with the home occupation, to house commercial vehicles and/or for storage of materials used in connection with the home occupation. The accessory building may not be used for manufacturing, processing, instruction, sales, service, or other work in connection with the home occupation. All lot coverage, dimensional, and other requirements of this chapter must be met by such accessory building. Such accessory building must resemble a residential garage. A sketch of the proposed building and list of the materials to be used on the outside must be submitted with the application for a conditional use permit.

(E) Notwithstanding the provisions of §151.024(D), a home greenhouse shall be permitted provided that such greenhouse meets the requirements of §151.025 and that any sales in connection with such greenhouse meet the requirements of this section.

(F) No outdoor sales or storage shall be permitted in connection with the home occupation.

(G) The exterior appearance of the dwelling shall not be altered in such a manner nor shall the occupation in the residence be conducted in such a way as to cause the premises to differ from its residential character in exterior appearance.

(H) The use shall not emit smoke beyond that which normally occurs in the applicable zoning district, nor shall it emit dust, vibration, odor, smoke, fumes, glare, electrical interference, interference to radio and television reception or other nuisance and shall not be volatile or present a fire hazard, nor may the occupation discharge into any waterway, stream, lake, or into the ground or a septic tank any waste which will be dangerous or a nuisance to persons or animals, or which will damage plants or crops.

(I) No home occupation shall involve the use of electrical or mechanical equipment that would change the fire rating of the structure in which the home occupation is conducted.

(J) There shall be no more than two deliveries per day to the premises of materials to be used in conjunction with the home occupation and these shall take place between the hours of 7:00 a.m. and 9:00 p.m.

(K) No customers, clients, patrons, or employees other than the residents' household may be on the premises in connection with the home occupation before 7:00 a.m. or after 9:00 p.m.

(L) The following are strictly prohibited as home occupation: car washes, commercial automotive repair garages, slaughterhouses, paint, petroleum and chemical plants, any occupation which involves the storage of liquid petroleum, gasoline, kerosene, or other flammable liquids, funeral homes and mortuaries, massage parlors, sale of reading or viewing

material of a pornographic nature, movie theaters, animal hospitals and kennels, bottled gas sales.

(M) Any home occupation not complying with these regulations shall be a special use.

(Ord. passed 12-16-85)

§151.025 ACCESSORY USES.

Accessory uses are permitted in any zoning district in accordance with the following regulations:

(A) An accessory building, structure, or use is a building, structure, or use on the same lot or site with, of a nature customarily incidental or subordinate to, and of a character related to the principal use or structure;

(B) Accessory uses to single and two-family dwellings, and multi-family dwellings may not include commercial uses, except as permitted as home occupations in §151.024 or for multi-family dwellings, as allowed by the Board of Adjustment in accordance with the provisions of §151.113;

(C) Residences for watchmen and caretakers are permitted accessory uses to research and industrial uses;

(D) No accessory building shall exceed 35 feet in height, nor shall any accessory building exceed the principal building in height;

(E) An accessory building sharing one or more common walls with the principal building shall be considered part of the principal building for purposes of this chapter and must meet all yard requirements applied to the principal building;

(F) No detached accessory building shall be located closer than ten feet to any other building or mobile home;

(G) No accessory building or recreational structure or use may extend in front of the rear line of a single or two-family dwelling or mobile home.

(H) No accessory building or recreational structure or use may extend within three feet of a lot line, nor within 20 feet of a street right of way lane;

(I) Recreational uses and buildings accessory to apartment complexes shall be in accordance with §151.113;

(J) Fences and walls are permitted as accessory uses provided that they comply with the following:

- (1) No fence more than three feet in height, nor retaining wall more than five feet in height which is more than 75% solid may be placed in any front yard, including along the side lot line to the front of any principal building, unless approved by the Board of Commissioners, as a buffer in accordance with §151.026(F);
- (2) Rear and side fences greater than seven feet in height shall be of an open type similar to woven wire or wrought iron fencing except where a buffer with different specifications is required elsewhere in this chapter;
- (3) Fences may not exceed seven feet in height, except in commercial and industrial districts where such fences may be no more than ten feet in height;
- (4) Fences need not comply with the set back requirements of this chapter;
- (5) No fence or wall shall impede vision as regulated in §151.023;

(K) Dish antennas (earth stations) are permitted as accessory uses provided that they comply with the following regulations:

- (1) General requirements.
 - (a) A building permit is required when installing, moving or substantially constructing or reconstructing a dish antenna.
 - (b) A dish antenna must be installed in compliance with the manufacturer's specifications at a minimum.
 - (c) In all residential districts, dish antennas must be installed on the ground.
 - (d) In commercial and industrial districts, dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than 12 feet in diameter, shall not project higher than ten feet above the maximum building height of the zoning district or more than one-third the actual building height above the roof, whichever is less, shall be set back from the front and sides of the building at least 18 feet and shall not be used for any advertising purposes.
 - (e) A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided for in §151.025(K)(l)(d) above.
 - (f) If a dish antenna is repainted, the only permissible colors are the original color used by the manufacturer, off-white, pastel beige, grey, or pastel grey-green. The paint must have a dull (non-glossy) finish and no patterns, lettering, or numerals shall be permitted on the dish surface.

(g) No dish antenna shall be installed in any public right-of-way or in any drainage or utility easement.

(2) Location in yards.

(a) A dish antenna shall be installed in the rear or side yard only, in all districts except provided for in §§151.025(K)(1)(d) and 151.025(K)(2)(b).

(b) In commercial districts only, a dealer selling dish antennas may have a maximum of one such antenna installed in the front or side yard for display purposes providing all other requirements are met. If a dealer displays a dish antenna in the front yard or side yard, his permissible sign area shall be reduced by one-half.

(3) Setback requirements

(a) The minimum required setback for dish antennas, from the side lot line, shall be the same as for the principal building except on corner lots, on the side abutting the street, the minimum required setback shall be same as the required front yard setback along that street.

(b) The minimum required setback for dish antennas from the rear lot line shall be six feet or the same as the accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than one foot to the property line.

(c) In districts where there are no side or rear yard requirements, a minimum setback of six feet from the side and rear lot lines shall be required of dish antennas, but in no case shall any part of the antenna come closer than one foot to the property line.

(d) In all cases, no dish antenna shall be located within 15 feet of any street right-of-way.

(e) No dish antenna shall be located within ten feet of the principal building except as provided for in §151.025(K)(1)(d).

(f) There are no setback requirements between a dish antenna and any other accessory structure.

(4) Maximum height requirements.

(a) In all residential districts, the maximum height of dish antennas shall be 20 feet or the height of the principal building, whichever is less.

(b) In commercial and industrial districts, the maximum height of dish antennas installed on the ground shall be 30 feet. Dish antennas mounted on the roof of a building shall not project higher than ten feet above the maximum building

height of the district or more than one-third the actual building height above the road, whichever is less.

(5) Buffering requirements.

(a) In all residential districts, dish antennas shall be surrounded on all sides with any one or combination of evergreen vegetation, topography, landscaped earth berm, or architectural features such as fences or buildings so that view of the lower two-thirds of the dish area is restricted from all public streets and six feet above ground level of surrounding residential property. If evergreen vegetation is used, a species and size may be planted which can be expected to screen the required area within two years of normal growth. Any screening vegetation which dies must be replaced.

(b) In commercial and industrial districts, dish antennas must be screened from view of surrounding residential property and residential streets. The screening requirements as to materials and height shall be the same as in §151.025(K)(5)(a).

(Ord. passed 12-16-85)

§151.026 BUFFER STRIPS.

Whenever a buffer strip is required by this chapter, such strip shall meet the specifications of this section, unless different specifications are given in the section where the buffer strip is required.

(A) A buffer strip shall consist of a planted strip which shall be a minimum of 16 feet in width, shall be composed of evergreen bushes, shrubs, and/or trees such that at least two rows of coverage are provided from the ground to a height of six feet within six years and foliage overlaps. The 16 feet required for the buffer strip shall be in addition to all normal yard requirements of this chapter.

(B) Buffer strips shall be required in the following situations, as well as in any others specified in other sections of this chapter: whenever a manufacturing, processing, retail, wholesale trade, or warehousing use or public utility installation is established, a buffer strip shall be provided wherever the lot on which the use is established abuts or is across an easement or right-of-way from land zoned R-20, R-12, and R-8.

(C) All buffer strips shall become part of the lot on which they are located, or in the case of commonly-owned land, shall belong to the homeowners or property-owners association.

(D) The buffer strip shall be maintained for the life of the development. Maintenance shall be the responsibility of the property owner, or, if the property is rented, the lease

(E) If a natural screen is already in place which will adequately fulfill the purpose of the buffer strip, the Zoning Administrator may, in writing, allow a substitution of all or part of this screen for the buffer strip. Written permission of the Zoning Administrator shall be obtained before removing an existing natural buffer in the location of the required buffer strip.

(F) Where, because of intense shade, or soil conditions, a planting screen cannot be expected to thrive, the Zoning Administrator may, in writing, allow substitution or a well-maintained wooden fence or masonry wall at least six feet in height.

(G) Where it is clear that a smaller buffer will protect neighboring property from harmful effects, the Board of Adjustment or Town Board of Commissioners, for special uses, may reduce the buffer to eight feet and one row of trees.

(H) For special and conditional uses, the Board may require a maintenance bond for the buffers, as a condition of approval.

(Ord. passed 12-16-85)

§151.027 NONCONFORMING USES, STRUCTURES AND LOTS.

A lawful pre-existing use, structure, or lot which does not meet the requirements of the current zoning code is called a nonconformity. Special provisions apply to nonconformities and these are listed in divisions (A) through (E) of this section. In lieu of the provisions in this section, nonconforming signs shall comply with the requirements in §§151.075 through 151.080 of this chapter.

(A) Existing substandard structures.

- (1) The conforming use of a structure as explained in §151.027(D), existing at the time of the adoption of this chapter, may be continued although the structure's size or location does not conform with the yard, dimensional, height, parking, loading, access, lot area, and lot coverage provisions of this chapter. Such structures are called substandard structures.
- (2) Substandard structures with conforming uses may be added to or enlarged provided that the enlargements comply with the yard, height, parking, loading, access, and all other applicable requirements of this section for the district in which such a structure is located.
- (3) Substandard structures which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed and shall comply with the yard, height, parking, loading, access, and all other applicable provisions of this chapter for the district in which such structure is located unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply.

- (4) A substandard structure may not be moved off the lot or lots on which it is located unless when relocated it complies with the regulations for the district in which it is located.

(B) *Existing nonconforming uses.* The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of this chapter may be continued except that:

- (1) Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming;
- (2) Normal maintenance, repair, and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located;
- (3) If such nonconforming use is damaged by fire, explosion, flood, or other calamity to the extent of more than 75% of its current equalized value, it shall not be restored except so as to comply with the use provisions of this chapter;
- (4) If such nonconforming use is discontinued or terminated for a period of more than 365 days, any future use of the structure, land, or water supply shall comply with the provisions of this chapter;
- (5) In addition, lots used for outdoor storage, salvage yards, used and abandoned vehicle storage, repair and sales lots, auto wrecking yards and junk yards, where the only buildings on the lot are incidental and accessory in the open use of the lot and where such use was established legally but is not permitted to be established as permitted, special, or conditional use, hereafter in the district in which it is located shall be terminated and all sorted material and other inventory removed from the site by the owners or occupants by December 31, 1998. The Zoning Administration shall, within 90 days of the effective date of this chapter, send notice of this requirement to the owner or occupants by first class mail;
- (6) A nonconforming use may not be moved off the lot or lots on which is it located unless when relocated it complies with the regulations for the district in which it is relocated;
- (7) The Board of Adjustment may permit as a conditional use a change in nonconforming use provided that the requirements of divisions (B)(1) through (B)(6) above of this section are met and the Board of Adjustment may require

appropriate conditions and safeguards in accordance with the provisions of this chapter;

- (8) Once a nonconforming use has been changed or altered so as to comply with the provisions of this chapter, it shall not revert back to a nonconforming use. Once the Board of Adjustments has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board. If the structure occupied by a nonconforming use is changed so as to be more in character with the uses permitted in the district in which it is located, it shall not subsequently be changed to be less in character.

(C) Existing vacant substandard lots.

- (1) Where the owner of a lot at the time of adoption of this chapter or his successor in title thereto does not own sufficient land to enable him to conform to the lot area or lot width requirements of this chapter, such a lot may be used as a building site for a single-family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than 20% below the minimum specified in this chapter, and further provided that the County Health Department approves the reduction in on-site water or wastewater facilities are involved. In cases where the lot area and lot width are more than 20% below the minimum specified in this ordinance or other requirements cannot be met, the Board of Adjustment is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions if the county health department submits a letter of approval if on-site water or wastewater facilities are involved. If the pre-existing substandard lot is not in a district where single-family residences are permitted, the Board of Adjustments may issue a variance to allow some reasonable use.
- (2) If two or more adjoining and vacant lots are in one ownership when this chapter is adopted, or at any time after the adoption of this chapter, and such lots individually do not meet the minimum dimensional requirements of this chapter for the district in which such lots are located, then such group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located, and therefore, the provisions of §151.027©(1) do not apply.

(D) Conforming uses and structures.

- (1) Any use or structure existing prior to the effective date of this chapter which conforms to the regulations of this chapter for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in

which it is located, may be continued, provided any changes shall comply with the provisions of this chapter.

- (2) Any structure or use existing prior to the effective date of this chapter which would be permitted by this chapter as a special or conditional use in the district in which it is located, may be continued as if a special or conditional use permit had been applied for and issued, provided that any changes shall comply with the provisions of this chapter.

(E) *Effect of amendments.* If subsequent amendments to this chapter or the official zoning map result in the creation of additional nonconformities or conformities, such nonconformities or conformities shall be governed by the provisions of this section unless otherwise stated in the amendment.

(Ord. passed 12-16-85)

§151.028 COMPLEXES.

Office centers, institutional and industrial, and similar complexes may have more than one principal building on a single lot provided that the following requirements are met:

(A) Uses in complexes shall be limited to those permitted within the zoning district in which the project is located;

(B) The overall intensity of land use shall be no higher, and the standard of open space no lower, than that permitted in the district in which the project is located;

(C) The distance of every building from the nearest property line shall meet the front yard setback and side yard requirements of the district in which the project is located or 50 feet, whichever is greater;

(D) The building heights shall not exceed the height limits permitted in the district in which the project is located;

(E) The buildings shall be located so as to provide access for emergency vehicles.

(Ord. passed 12-16-85)

§151.029 REQUIREMENTS FOR STREET ABUTMENT.

No principal building, structure, or use may be erected or established on any lot which does not abut at least 20 feet on one of the following:

(A) A public street dedicated to and maintained by the town or the North Carolina Department of Transportation;

(B) A street constructed to the standards of the town or the North Carolina Department of Transportation, with a written agreement concerning maintenance of the street.

(Ord. passed 12-16-85)

§151.030 STORAGE OF JUNK ON VACANT LOTS.

Vacant lots shall not be used for the storage of used or abandoned vehicles or other outdoor storage unless specifically permitted in §151.045.

(Ord. passed 12-16-85)

§151.031 STREAM BUFFER AREAS REQUIRED.

(A) A minimum of thirty (30) foot vegetative buffer for development activities shall be required along all perennial waters indicated on the most recent versions of U.S.N.C.G.S. 1:24,000 (7.4 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambanks or shoreline stabilization is permitted. The buffer is an area of natural or planted vegetation through which storm water 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 shall be measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams of rivers.

(B) No new development shall be allowed in the buffer except for water dependent structures. Other structures such as flagpoles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossing and green ways where no practical alternative exists which shall be permitted. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of storm water Best Management Practices.

(C) Best Management Practices are structural or nonstructural management-based practices use singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. A water dependent structure is any structure for which the use requires access to 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.

(D) Development, for the purposed of the section, is and land disturbing activity which adds to or changes the amount of impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

(Ord. passed 9-19-99)

District Regulations

§151.040 OFFICIAL ZONING MAP.

(A) The boundaries of the districts are hereby established as shown upon the map accompanying this chapter and made a part hereof, entitled “Official Zoning Map, Town of Warrenton, North Carolina”. The zoning map and all the notations, references, and all amendments thereto, and other information shown thereon is hereby made a part of this chapter and the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is on file in the Office of the Zoning Administrator and is available for inspection by the public.

(B) In the creation, by this chapter, of the respective districts, the Board of Commissioners has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well-considered plan for the development of the town and its extraterritorial area.

(Ord. passed 12-18-65)

§151.041 UNCERTAINTY AS TO BOUNDARIES.

(A) The boundaries of such districts as are shown upon the map adopted by this chapter are hereby adopted and the provisions of this chapter governing the use of land and buildings, the height of buildings, the sizes of yards about buildings, and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon said map.

(B) If uncertainty exists as to the boundaries of the use districts shown on the official zoning map which is not resolved by the ordinance establishing and amending such boundaries, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following such jurisdictional boundaries;
- (4) Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main tracks or tracks;
- (5) Boundaries indicated as approximately following the centerlines of streams, rivers, lakes, or other bodies of water shall be construed as following such centerlines;
- (6) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and if the shoreline is changed either naturally or as permitted by law, such a boundary shall be construed as moving with the actual shoreline;
- (7) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
- (8) Boundaries indicated as parallel to or extensions of natural or man-made features indicated in divisions (B)(1) above of this sections shall be so construed;
- (9) Distances not specifically indicated shall be determined by the scale of the official zoning map.

(C) Where uncertainties continue to exist after application of the above rules, appeal may be taken to the Board of Adjustment as provided in §§151.109 and 151.110 of this chapter.

(Ord. passed 12-16-85)

§151.042 AMENDMENTS TO ZONING MAP.

Amendments to the official zoning map shall be adopted by ordinance as provided in §151.114. Promptly after the adoption of an amendment, the Zoning Administrator shall alter or cause to be altered, the official zoning map to indicate the amendment. The Town Clerk shall enter in writing upon the face of the map a certification indicating the alteration and citing the date of adoption and the effective date of the amendment, as well as the book and page of record of the ordinance amending the map.

(Ord. passed 12-16-85)

§151.043 TRUE COPY TO BE MAINTAINED; REPLACEMENT AND PRESERVATION.

(A) *True copy to be maintained.* The Chairman of the Planning Board shall also maintain a true copy of the official zoning map which shall include thereon all matters shown on the official zoning map. The true copy shall have no legal affect as provided in §151.043(B).

(B) *Replacement and preservation of official zoning map and true copy thereof.*

- (1) If the official zoning map is damaged, lost, or destroyed in whole or in part, the governing body may by resolution adopt the true copy in whole or in part as the official zoning map, and the Zoning Administrator and Town Clerk shall promptly prepare or cause to be prepared a new true copy of the official zoning map. From time to time, the governing body may by resolution adopt a new official zoning map of the prior map becomes difficult to interpret due to the number of amendments or other matters shown thereon, or if the governing body desires to replace the map for other reasons, provided that the new map is an exact copy of the prior map.
- (2) The Zoning Administrator shall preserve any and all remaining parts of all prior official zoning maps and true copies thereof together with all available records pertaining to their adoption, amendment, or repeal.

(Ord. passed 12-16-85)

§151.044 ESTABLISHMENT AND PURPOSES OF DISTRICTS.

For the purpose of this chapter, the zoning jurisdiction of the town is hereby divided into the following districts:

(A) R-20 – Residential Agricultural District. The purpose of this district is to provide areas for low-density residential development and agriculture in areas outside the corporate limits of the town;

(B) R-12 – Residential Single-Family District. The purpose of this district is to provide for existing residential single-family homes and the establishment of new single family homes;

(C) R-8 – Single- and Multi-Family Residential District. The purpose of this district is to provide for a compatible mixture of single-family dwellings, and multi-family buildings and complexes and mobile homes;

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(D) O&I – Office and Institutional District. The purpose of this district is to provide areas for office and institutional use, and to establish a buffer between residential areas and commercial and industrial areas;

(E) C-1 – Downtown Business District. The purpose of this district is to provide areas for those retail trade and service purposes which are properly located in a downtown area;

(F) C-2 – Highway Business District. The purpose of this district is to provide areas for commercial and service uses which require larger sites than are available in the downtown areas, or which serve the needs of the traveling public;

(G) I – Industrial District. The purpose of this district is to provide locations for manufacturing, wholesaling, and warehousing, uses which can be conducted without producing harmful effects on the citizens of the area.

(Ord. passed 12-16-85)

§151.045 REGULATIONS FOR RESIDENTIAL, AGRICULTURAL, RESIDENTIAL-SUBDIVISION, SINGLE- AND MULTI-FAMILY RESIDENTIAL DISTRICTS.

(A) Uses allowed in the districts named in this chapter shall be in accordance with the following table in which “x” signifies that the use is permitted as of right, “c” indicates that the use is a conditional use which requires approval of the Board of Adjustment, “s” indicates that the use is a special use which requires the approval of the Board of Commissioners, and a blank indicates that the use is not permitted in that zoning district.

(Ord. passed 12-16-85)

<i>Residential Districts</i>	<i>Districts</i>		
<i>Use</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Single-family dwellings on individual lots	<i>X</i>	<i>X</i>	<i>X</i>
Two-family dwellings	<i>X</i>	<i>X</i>	<i>X</i>
Three or four-family dwellings in one building			<i>X</i>
Multi-family dwellings and complexes			<i>S</i>

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Townhouses			<i>S</i>
Mobile homes on individual lots	<i>C</i>		<i>X</i>
Mobile home parks	<i>X</i>		
Day nurseries	<i>X</i>	<i>X</i>	<i>X</i>
Kindergartens	<i>X</i>	<i>X</i>	<i>X</i>
Public educational institutions and private schools having a curriculum the same as ordinarily given in public schools	<i>X</i>	<i>X</i>	<i>X</i>
Public buildings; uses and utilities	<i>S</i>	<i>S</i>	<i>S</i>
Hospitals, clinics, except animal hospitals, nursing homes, rest homes	<i>X</i>	<i>C</i>	<i>X</i>
Family care homes as defined in N.C.G.S. §168-21 for handicapped persons as defined in N.C.G.S. §168, Article 3 provided that no such home may be located within a one-half mile radius of an existing family care home	<i>X</i>	<i>X</i>	<i>X</i>
Any agricultural or horticultural use except commercial nurseries, commercial chicken house, yard or hatchery, dairy, livestock pen or yard, horse or mule stable, pigpen or hogpen, or any other use of land for keeping and raising animals or fowls for commercial purposes. Non-commercial buildings or structures used for the keeping of livestock, fowls, or other non-commercial use permitted shall be located in the rear yard and shall not be located closer than 50 feet from any property line	<i>X</i>		
Churches, temples, synagogues	<i>X</i>	<i>X</i>	<i>X</i>
Libraries	<i>X</i>	<i>X</i>	<i>X</i>
Museums	<i>X</i>	<i>X</i>	<i>X</i>
Cemeteries	<i>X</i>	<i>X</i>	<i>X</i>
Radio and TV stations and transmission towers	<i>C</i>		
Parks	<i>X</i>	<i>X</i>	<i>X</i>
Golf courses, excluding carpet or miniature	<i>X</i>		

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Playgrounds	<i>X</i>	<i>X</i>	<i>X</i>
Community centers	<i>X</i>	<i>C</i>	<i>C</i>
Private clubs	<i>C</i>	<i>C</i>	<i>C</i>
Fraternal organizations not open to the public	<i>C</i>	<i>C</i>	<i>C</i>
Farming, including sale of product on property where produced	<i>X</i>		
Commercial plant nurseries and greenhouses	<i>X</i>		
Riding stables	<i>X</i>		
Planned unit development	<i>S</i>	<i>S</i>	<i>S</i>
Temporary uses such as circuses, carnivals, fairs	<i>S</i>	<i>S</i>	<i>S</i>
Other temporary uses	<i>S</i>	<i>S</i>	<i>S</i>
Motels, hotels, and restaurants	<i>X</i>		
Funeral homes		<i>X</i>	
Bed and Breakfasts. A Special Use Permit for Bed and Breakfast will include the authority to serve meals, other than breakfast, to registered guests and for catering of private functions such as business meetings and receptions. This use would exclude a restaurant open to the public or the erection of an exterior sign identifying the establishment as a restaurant.			

(B) Minimum dimensional requirements shall be:

<i>Minimum lot area in square feet</i> ^{1,2}	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Single-family dwelling	20,000	12,000	8,000
Mobile homes on individual lots	20,000		8,000
Two-family dwelling or two townhouse units	20,000	12,000	12,000
Multi-family dwelling			20,000 for three units plus 5,000 for each additional unit

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Other proposed building or use	20,000	20,000	15,000
<i>Minimum lot width in feet</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Single-family dwelling	100	100	80
Two-family dwelling	100	100	100
Multi-family dwelling	100	100	100
Townhouse	100	100	100
Other principal building or use	100	100	100
Minimum lot depth in feet	150	120	100
<i>Minimum required yard in feet</i>	<i>R-20</i>	<i>R-12</i>	<i>R-8</i>
Front	30	30	30
Side (each side)	10	10	10
Corner lot	20	15	15
Rear	25	25	25
Maximum height in feet	35	35	35
Maximum lot coverage in percent	40	40	40
¹ Where there is no public water and/or sewer, lots must meet requirements of the County Health Department as well as the requirements of this chapter. ² Stream buffers are required in accordance with §151.031 of this chapter.			

(Ord. passed 12-16-85; Am. Ord. passed, 9-13-99; Am. Ord. passed 11-8-99)

§151.046 REGULATIONS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS.

(A) *Table of permitted uses.* Uses allowed in the districts named in this section shall be in accordance with the following table in which “x” signifies that the use is permitted as of right, “c” indicates that the use is a conditional use which requires approval of the Board of

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Adjustment, “s” indicates that the use is a special use which requires approval of the Board of Commissioners, and a blank indicates that the use is not permitted in that zoning district.

TABLE OF PERMITTED USES				
Commercial and Industrial Districts				
Use	Districts			
	C-1	C-2	O&I	I
Any retail or wholesale business or service establishment, or public use or utility which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located and does not involve bulk storage of volatile materials or other fire hazards, except commercial amusements	X	X		
Offices – business, professional, and public	X	X	X	
Financial institutions	X	X	X	
Assembly halls	X	X	X	
Restaurants	X	X		
Shopping centers	X	X		
Hotels and motels	X	X		
Automobile service stations	X	X		
Car washes		X		
Amusement parks		S		
Electronic game machines and pinball machines within an establishment devoted to another purpose shall be an accessory use provided that there shall be no more than two machines. More than two machines shall be considered a commercial amusement requiring a special use permit.	X	X		
Commercial amusement buildings	S	S		

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Family care homes (see residential districts)			X	
Churches	X	X	X	
Schools			X	
Retirement homes	X		X	
Funeral homes	X	X	X	
Two, three, and four-family dwellings in one building			X	
Pool halls or billiard parlors		C		
Grocery and convenience stores	X	X		C
Junk yards or salvage operations				C
Public buildings, uses and utilities			S	
Multi-family dwellings and complexes			S	
Retail or wholesale businesses or service establishments, wholesaling and warehouse storage or public uses or utilities other than those specifically listed which have outdoor sales, service, or storage areas	C	X		
Retail or wholesale businesses or service establishments, wholesaling and warehouse storage or public uses or utilities other than those specifically listed which would emit smoke, odor, dust, fumes, or noise from the building in which they are located or involve possible fire hazards	C	C		
Any manufacturing, processing, or warehousing use or public use or utility which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise or vibration from the building in which it is located, except acid manufacture, cement, lime, gypsum or plaster of paris manufacture, distillation of bones, explosives, manufacture or storage, fat rendering, fish and/or fertilizer plant, garbage, offal or dead animal reduction or dumping, gas manufacture, glue manufacture, stockyards or slaughter of animals, tannery, or pulp manufacture				X

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Any manufacturing, processing, warehousing or transportation use or public use or utility which involves outdoor storage, service, operations, emits or will emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located, or involves storage of combustible materials or is among the uses listed as exceptions in the list immediately above				S
Cafeterias and snack bars for plant employees and offices of plants shall be considered an accessory use.				
No mobile home shall be used as an office in the C-2 Highway district.				
Bed and Breakfasts. A Special Use Permit issues for Bed and Breakfast will include the authority to serve meals, other than breakfast, to registered guests and for catering of private functions such as business meetings and receptions. This use would exclude a restaurant open to the public or the erection of an exterior sign identifying the establishment as a restaurant.				

(B) *Dimensional requirements.*

DIMENSIONAL REQUIREMENTS				
	<i>C-1</i>	<i>C-2</i>	<i>O&I</i>	<i>I</i>
Minimum lot area in square feet	20,000 for site – more than one use can be grouped on a site or in a building			20,000
Minimum lot width in feet	100	100	100	100
Minimum lot depth in feet		150	150	150
Minimum required yards in feet				
Front		30	30	50
Side		10	10	20
Rear		25	25	25

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Maximum lot coverage in percent	40	40	40	40
Maximum permitted height in feet	50	50	50	50
¹ Stream buffers are required in accordance with §151.031 of this chapter.				

(Ord. passed 12-16-85; Am. Ord. passed 9-13-99; Am. Ord. passed 11-8-99)

§151.060 OFF-STREET PARKING REQUIREMENTS.

(A) There shall be provided at the time of the erection of any building or the establishment of any use or at the time any principal building or use is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, floor, storage, or sales area; or before conversion from one type of use or occupancy to another, permanent off-street parking in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded open space.

(B) The following regulations concerning required parking shall apply:

- (1) Each zoning permit application filed with the Zoning Administrator shall include information as to the location and dimensions of off-street parking space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable to Zoning Administrator to determine whether or not the requirements of this section are met. No certificate of occupancy shall be issued until the parking regulations are fully met;
- (2) The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays;
- (3) If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use;
- (4) Parking space sizes shall be governed by the following dimensions:

Parallel stall	20' x 9.0'
Angle stall	19' x 8.5'
90 degree stall	19' x 9.0'

(5) Minimum aisle widths shall be:

<i>Aisle Width in Feet</i>		
<i>Parking Angle</i>	<i>One-Way Traffic</i>	<i>Two-Way Traffic</i>
0-15 degrees	12	24 (0 degrees only)
16-37 degrees	11	-
38-57 degrees	13	-
58-74 degrees	18	-
75-90 degrees	24	24

(6) A safe means of ingress and egress shall be provided for all parking spaces and driveways for uses other than single and two-family residential and shall be at least 24 feet wide;

(7) When off-street parking for more than 20 vehicles is provided, the following regulations shall apply in addition to all other regulations in this subchapter:

(a) All such parking lots shall be graded and surfaced with compacted gravel, blacktop, concrete, or other such surfacing material to ensure a dustless surface condition;

(b) Each parking stall shall be marked off and maintained so as to be distinguishable;

(c) Any lighting shall be so arranged as to direct the light and glare away from the streets and adjacent property;

(d) All such parking lots shall observe a minimum front yard of not less than five feet and a side yard on a corner lot of not less than five feet. Parking lots in residential-agricultural and residential districts shall have front yards of not less than 15 feet and side and rear yards of not less than five feet. Yards surrounding parking lots shall be planted and maintained in lawn or other appropriate planting or shall be improved otherwise in keeping with the character of adjacent property, and a buffer as defined in §151.026 is not required, natural planting, hedge, or a decorative fence to a height of at least six feet shall screen the residential property;

(e) The required yards shall be set off from parking areas by either continuous curb or one non-continuous stationary bumper for each parking space abutting

on a yard, which curb or bumper shall not be less than five inches or more than two feet high;

(f) Parking lots shall not drain onto or across public sidewalks, or into adjacent property except into a natural watercourse or a drainage easement. In already developed areas where this condition would be impossible to meet, the Zoning Administrator may exempt the developer from this requirement, provided that adequate provision is made for drainage;

(g) In the event any parking shall abuts upon a walkway, there shall be a space of three and one-half feet between the wheel bumper or curb and the edge of the walkway;

(h) On all corner lots, all vehicular openings shall be located at least 20 feet from the point of intersection of the established street right-of-way lines. No entrance or exit, whether on a corner lot or not, shall exceed 30 feet in width at the property line or 40 feet at the curb line. There shall be a minimum distance between driveways of 25 feet measured along the curb line unless such driveways are less than five feet apart;

(i) Sufficient area shall be provided within the property lines of a parking lot, exclusive of required yards, so that all vehicles may enter and leave the lot in a forward motion;

(8) The following exceptions shall apply to the above regulations:

(a) The Zoning Administration may withhold a permit or certificate of occupancy if a parking layout not specifically prohibited by this section would be likely to cause avoidable safety or traffic congestion problems until modification is made. The applicant may appeal the Zoning Administrator's decision to the Board of Adjustment under the normal procedure for an appeal;

(b) If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a parking modification;

(c) In the central business district, the Zoning Administration may allow a new use to be established in an existing building even if all parking requirements of this section cannot be met for the new use, provided that as much off-street parking as can reasonably be provided is provided by the use, and no foreseeable traffic congestion problems will be created.

(9) The minimum number of required off-street parking spaces shall be calculated as provided in §151.060(B)(10). In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use or inclusive category which is provided for. Where there is more than one use in a

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single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, excepts for shopping centers which are expressly provided for;

(10)The following shall be the minimum number of off-street parking spaces which shall be provided:

<i>Use</i>	<i>Number of required Off-Street Parking Spaces</i>
<i>Residential Uses</i>	
Dwellings, single and two-family	2 per dwelling unit
Dwellings, multi-family	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Townhouses	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Group housing, such as boarding houses, dormitories, and similar establishments	1.2 for each bedroom
Mobile homes on individual lots	2 per mobile home
Mobile home parks	2 spaces for each mobile home plus 1 visitor parking space for each 4 mobile homes
<i>Office and Institutional Uses</i>	
Financial institutions	1 for each 150 square feet of gross floor area or fraction thereof, plus safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines, if any
Hospitals	1 space for each 150 square feet of gross floor area or fraction thereof
Libraries	1 space for each 200 square feet for use by the public or fraction thereof
Museums and art galleries	1 space for each 800 square feet of gross floor area or fraction

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<i>Use</i>	<i>Number of required Off-Street Parking Spaces</i>
	thereof
Nursing homes, family care homes, and similar institutions	4 times the maximum lawful number of occupants
Doctor or dentist Office	6 for each doctor or dentist plus 1 for each other employee
Other Offices	1 for each 300 square feet of gross floor area or fraction thereof
Places of assembly, including clubs, lodges, churches, funeral parlors, auditoriums, gymnasiums, amusement parks, and similar places	1 for each 3 seats, plus 1 for each 100 square feet of floor area used for assembly, but not containing fixed seats, or fraction thereof
<i>Schools and Colleges</i>	
Day nurseries, kindergartens, elementary, junior highs	2 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium parking off applicable
Senior highs and colleges, trade, vocational with dormitories	5 for each 750 square feet of classroom floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium/dormitory parking requirement if applicable
Colleges, trade, vocational without dormitories	10 feet for each 750 square feet of classroom floor area of fraction thereof, plus auditorium/gymnasium parking requirement if applicable
<i>Commercial Uses</i>	
Bowling alley	5 per lane
Tent Campground	1 for each campsite plus office parking requirement
Recreational vehicle Campground	1 for each campsite plus office parking requirement
Car wash	5 per wash lane
Golf course (not including those accessory to multi-family dwelling or hotels)	4 per hole

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<i>Use</i>	<i>Number of required Off-Street Parking Spaces</i>
Hotel or motel	1.2 for each guest room plus requirement for restaurant or other facilities if provided
Restaurant Drive-in or take-out	Minimum of 15 spaces, plus 1 additional for each 50 square feet of gross floor area or fraction thereof
Restaurant Other	1.2 for each 100 square feet of gross floor area or fraction thereof
Service stations-Fuel, Convenience	2 for each gas pump, plus 3 for each grease rack or similar facility
Shopping centers (<i>in lieu of individual store parking requirements</i>)	5.5 per 1000 square feet of gross leasable area or fraction thereof
Low generator retail and service establishments such as furniture, appliance, household, equipment, carpet and hardware stores, repair shops including shoe repair, contractors' showrooms, drapery, paint and wallpaper upholstery, interior decorator, motor vehicles sales, plant nurseries	1 for each 500 square feet of gross floor area or fraction thereof, including any outdoor sales area
All other commercial uses such as retail stores, outlet stores, department stores, discount stores, drug stores, coin-operated laundries, variety stores	1 for each 200 square feet of gross floor area or fraction thereof, including any outdoor sales area
<i>Industrial Uses</i>	
Industrial and research uses, warehousing, and very low customer volume wholesaling operations	1 for each employee on premises at any one time

(Ord. passed 12-16-85)

§151.061 OFF-STREET LOADING REQUIREMENTS.

(A) Loading space regulations. Every building or structure used for business, trade, industry, or office and institutional purposes, shall provide loading space as indicated in this section. Each loading space shall be no less than 15 feet in width, and 30 feet in depth. Each space shall also be no less than 15 feet in height if such space is covered. It shall have access driveways to public streets or alleys which driveways shall be at least 24 feet wide and with adequate turning radii for the delivery vehicles customarily associated with the particular use. If there is not more than one delivery and pick-up during the hours when a retail trade, office, or institutional establishment is open to patrons, such space may be combined with the existing parking space on the premises. Loading space shall be provided in accordance with the following schedule:

- (1) Retail business. One space for each 20,000 square feet of gross floor area or fraction thereof;
- (2) Wholesale trade and industry. One space for each 10,000 square feet of gross floor space or fraction thereof;
- (3) Office and institutional uses including hotels and motels. One space for each 50,000 square feet of gross area or fraction thereof;
- (4) Other miscellaneous loading space provision. As well as meeting the requirements of §151.061(A)(3), elementary, junior high, high schools, kindergartens, nurseries, and day care centers shall also provide a safe place off the street for the loading and unloading of children from automobiles and buses.

(B) Exceptions.

- (1) Peculiar characteristic of a business. If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the applicant a modification of the loading requirements in regard to that particular establishment.
- (2) New uses established. In the central business district, the Zoning Administrator may allow a new use to be established in an existing building even if all loading requirements of this section cannot be met for the new use, provided that as much loading space as can reasonably be provided is provided by the use and traffic or safety hazards will not be created.

(Ord. passed 12-16-85)

SIGNS

§151.075 COMPLIANCE WITH REGULATIONS REQUIRED.

No sign or sign structure may be erected, posted, hung, painted, rehung, repainted, repaired, replaced, changed, or maintained in any district except in compliance with this subchapter.

(Ord. passed 12-16-85)

§151.076 GENERAL SIGN REGULATIONS.

(A) No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in §151.023.0

(B) No ground sign structure may be placed in the right-of-way.

(C) Individual stores in a shopping center may not have separate ground sign structures. The shopping center as a whole may display signs in accordance with this section.

(D) Signs and sign structures shall meet all requirements of the State Building Code.

(E) Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors, supporting frames, and fastening free from deterioration, insect infestation, rot, rust, or loosening. All signs shall be kept neatly finished, with lettering intact, and if of a type which requires painting, free from visible peeling or chipping.

(F) Obsolete signs and their supporting structures shall be removed within 90 days after they have been made obsolete by reason of the activity, business, product, or usage which the sign identifies or advertises being abandoned at the location to which to sign refers. This provision does not refer to billboards, until the commercial use off the billboard for rent has ceased. An extension of the 90 day time limit for removal may be granted by the Zoning Administrator for reasonable cause.

(G) Illuminated signs shall be limited to those lighted from behind to silhouette letters and internally illuminated and spotlighted signs. All illuminated and spotlighted signs shall be placed so as to prevent the light rays, illumination, or glare from being cast directly on any building or on traffic.

(H) Strings of light bulbs used in connection with commercial premises for commercial purposes shall be limited to white, yellow, or bug repellent bulbs and shall not cause glare on traffic or adjoining premises.

(Ord. passed 12-16-85)

§151.077 PROHIBITED SIGNS.

The following types of signs are expressly prohibited:

(A) Signs with moving, revolving, or rotating parts, or any sign which moves or gives an illusion of movement, except for time and temperature units and traditional barber poles, shall be prohibited in all districts;

(B) Signs with lights or illumination which flash, move, rotate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsations, except for time and temperature units;

(C) Signs which obstruct the view of or could be confused with any authorized traffic sign, signal, or device or make use of the words “stop”, “look”, “danger”, or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic;

(D) Signs which openings required to be left uncovered or unobstructed by building codes, the housing code, or other laws relating to buildings.

(Ord. passed 12-16-85)

§151.078 OFF-SITE ADVERTISING SIGNS.

Off-site advertising signs (billboards) shall be permitted only as a special use in the industrial district. The conditions in §151.113 are not applicable to off-site advertising signs. A special use permit shall be granted provided the following conditions are met:

(A) The property on which the sign is to be located must be adjacent to an interstate or federal aid primary highway;

(B) The sign must be located within 660 feet of the edge of the right-of-way of such highway;

(C) The sign shall comply with all regulations of the State Department of Transportation and with the North Carolina General Statutes;

(D) No two structures shall be placed less than 500 feet apart. Distance shall be measured as specified in the North Carolina Administrative Code T19A:02E.0200;

(E) The sign will be compatible with the general neighborhood in which it is located and will not have a detrimental effect on adjoining properties.

(Ord. passed 12-16-85)

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§151.079 NONCONFORMING SIGNS.

Nonconforming signs, when removed for other than normal maintenance, may not be erected again, nor may any such sign be replaced with another nonconforming sign.

(Ord. passed 12-16-85)

§151.080 PERMITTED SIGNS.

Signs shall be permitted in accordance with the table below.

<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
Advertising, off-site (billboards)	See §151.078		Special use in I	See §151.078
Agricultural, advertising products produced on premises	32 sq. ft.	8 feet	Permitted use in R-20 and I	
Awning, silk-screened or sewn on front of awning	N/A	N/A	Permitted use in C-1, C-2, I & O&I	
Bulletin board, church or public	32 sq. ft.	8 feet	Permitted use in all districts	
Canopy signs (may also be placed on non-raising marquees)	4 sq. ft.		Permitted use in C-1, C-2, I & O&I	Identification only. 1 per establishment entranceway. Bottom of sign must be 7 feet above sidewalk level – more over public right-of-way if required by town regulations
Construction site placards	64 sq. ft.	12 feet	Permitted use in all districts	Must be removed when construction has been completed
:				

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<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
<i>Directional signs containing no advertising matter</i>				
Traffic, safety, utility warning, public			Permitted use in all districts	
Pedestrian, public			Permitted use in all districts	
Traffic and pedestrian, private			Permitted use in all districts	
No trespassing			Permitted use in all districts	
Off-site directional to churches, meeting halls, civic clubs	12 sq. ft.		Permitted use in all districts	
Temporary directional to garage sales and similar events in residential areas, excluding portable commercial signs	4 sq. ft.		Permitted use in all districts	
Entrance or monument-type signs to subdivisions, neighborhoods, public, commercial, industrial, institutional establishments and mobile home parks	32 sq. ft.	8 feet	Permitted use in all districts	No more than 2 per entrance allowed

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<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
The flag, pennant, or insignia of any nation, state, county, city, religious, civic of fraternal organization or educational institution, when not in connection with a commercial promotion, or as an advertising device or as an integral part of another sign	10 sq. ft. 15 sq. ft.	9 feet	Permitted use in all districts	In R-20, R-12, and R-8 districts, wall and projecting insignia may not exceed size nor may they project more than 9 feet from wall at farthest point. In O&I business and industrial districts, insignia may be placed on signs permitted in those districts. In any district, flags or pennants shall not exceed 15 square feet or, if on a pole, one-fourth height of a pole, whichever gives the flag the greater permitted area
Ground signs	150 sq. ft.	35 feet	Permitted use in I	No more than 1 per street frontage containing entrance to use. May be used only for identification or on-site advertising.
Ground signs	40 sq. ft.	20 feet	Permitted use in C-1, C-2 Special use in O&I	Must be at least 30 ft. from any other ground sign. Must meet vision clearance of §151.023.
House numbers	4 sq. ft.		Permitted use in all districts	May contain no advertising matter
Memorial signs, tablets, name of building and date of construction			Permitted use in all districts	Must be cut into a masonry surface or case of metal and affixed flat against a surface
Name of occupant of residential premises	2 sq. ft.		Permitted use in all districts	

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<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
Newspaper names on newspaper tubes			Permitted use in all districts	
No vacancy signs			Permitted use in all districts	
Political signs	4 sq. ft.			Must be removed within 15 days after last election to which they pertain
Portable signs, including any signs mounted on a vehicle or a trailer or trailer-type device	32 sq. ft.	10 fee	Permitted use in C-1, C-2, I	Nonrenewable permit from Zoning Administrator required. 20 day time limit. No more than 1 sign per establishment per street frontage. Same establishment may not have temporary signs again for 30 days after removal of such signs. Such signs shall not have colored flashing lights or lights which cause glare on traffic or adjacent properties. Such signs shall not be located on the public right-of-way nor obstruct vision clearance as indicated in §151.076(A)
Professional or announcement signs	4		Permitted use in all districts	One per establishment
Projecting signs	20		Permitted use in C-1, C-2, I	Sign may be no more than 9 feet from wall at farthest point. 1 such sign per face on street, or 2 per establishment, whichever is less. Such sign may be hung on corner of building but shall count against the maximum number

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<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
				allowed above. Establishment may not also have a wall or roof sign on same face as projecting sign. Corner sign shall count as one face.
Real estate signs	6 32	Permitted use in residential and R-20 districts Permitted use in C-1, C-2, I		
Religious symbols at formal places of worship			Permitted use in all districts	
Roof signs – see wall signs				
Service station signs, automobile and truck			Permitted use in all districts when accessory to a service station	
Signs on racks for the orderly display of engine oil, provided such signs are no longer than the rack				
Signs on pumps and/or pump islands concerning the type and price of the fuel				
Signs on open portable tire racks provided the signs				

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<i>Type of Sign</i>	<i>Maximum Size</i>	<i>Maximum Height</i>	<i>District</i>	<i>Other Requirements</i>
are no longer than the rack				

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A sign may be painted on the inside and outside front door face of the closed tire rack, but shall not be painted on the sides or rear				
One double-faced on-site advertising sign per street frontage showing the current price of fuel sold on the premises. Such sign shall be located off the right-of-way	20	5		
Temporary banners, pennants, streamers, excluding portable commercial signs			Permitted use in C-1, C-2, I	Only for opening of new business. May remain for no more than 4 weeks.
Temporary signs relating to farm auctions, agricultural production sales, annual charitable civic or fraternal events, excluding portable commercial signs.	20 off-site 32 on-site		Permitted use in all districts.	Off-site. No more than 1 per lot. On-site. No more than 3 per lot. May remain for no more than 45 days in all.
Vending machine signs painted or mounted on the machine related to the products in the machine; bank machine or book depository signs which instruct customers or patrons			Permitted use in all districts	

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Wall or roof signs	1.25 square feet of sign area per running foot of building frontage	Such signs shall not project over the roofline of the building to which they are attached.	Permitted use in C-1, C-2, I, O&I	<p>Wall signs must be mounted on area of wall free of windows, doors, or other architectural features.</p> <p>Only one wall, roof, or projecting sign per establishment per street frontage is permitted other than those specifically mentioned elsewhere in this table.</p> <p>Such signs may be used only for identification or on-site advertising and at least 80% of sign face shall be for identification.</p>
Window signs			Permitted use in C-1, C-2, I	

(Ord. passed 12-16-85)

MOBILE HOMES AND MOBILE HOME PARKS

§151.090 MOBILE HOMES ON INDIVIDUAL LOTS.

Mobile homes on individual lots shall be a permitted use where indicted in §151.045. All requirements for the location of a single-family dwelling on an individual lot shall be met. Any mobile home constructed before July 1, 1970 must be approved by Underwriters' Laboratories and any mobile home constructed after that time must meet all applicable state and federal standards. All mobile homes shall be tied down in accordance with the state regulations for mobile homes and modular housing. All County Health Department requirements shall be met. The following additional conditions must also be met:

- (A) Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, foundation skirting, and roofing, exceed that of gloss white paint;

(B) A continuous, uniform foundation enclosure, unpierced except for required ventilation and access, shall be installed. The enclosure may consist of brick or concrete block, or wood, vinyl, or metal fabricated for this purpose. Any wood framing for foundation skirting shall be constructed with treated lumber;

(C) Permanent steps shall be constructed at all exterior doors as necessary and a permanent porch or patio measuring at least three feet in width and five feet in length shall be constructed at the front or main entrance to the mobile home;

(D) The running lights shall be removed and the hitch shall either be removed or screened with shrubbery;

(E) At least two off-street parking spaces shall be provided;

(F) All areas not used for parking, mobile home, or required porches, shall be grassed or otherwise suitably landscaped to prevent erosion;

(G) All standards must be met prior to issuance of a certificate of occupancy.

(Ord. passed 12-16-85)

§151.091 MOBILE HOME PARKS.

For purpose of this chapter, a mobile home park shall be defined as a lot or parcel of land of at least five acres.

(A) *Plan approval.* Before any lot or parcel of land is to be used as a mobile home park, a certificate of zoning compliance for such use shall be issued based on the development plan for the park with its proposed methods of water supply and sewerage disposal approved by the appropriate agencies, including the County Health Department, the Division of Health Services, Department of Human Resources, Office of Water and Air Resources, Department of Natural Resources and Community Development, and a site plan reviewed by the county Soil and Water Conservation District, shall be approved by the Town Board upon recommendation of the Town Planning Board. The plan shall include among other things:

- (1) Location of drives, walks, street lighting, water and sewer systems, mobile home plots;
- (2) Location and size of service buildings and areas, recreation buildings and areas;
- (3) Location and type of screening fences or hedges, and storage areas;
- (4) Location and number of parking spaces;
- (5) Location and description of any other structure or improvement of the land;
- (6) Topographic features

(B) Design standards.

- (1) Each mobile home shall be on a plot at least 8,000 square feet in area.
- (2) Each mobile home plot shall be located at least 25 feet from any other structure, other mobile homes, property line, or plot line.
- (3) Each mobile home plot shall be provided parking spaces for at least two automobiles, covered with gravel or other suitable material, either on the lot or within 300 feet of the lot.
- (4) Each mobile home plot shall contain a walkway covered with gravel or other suitable material from the parking spaces to the patio.
- (5) All streets, roads, or drives located in the park must have a minimum right-of-way of 40 feet and must be paved or properly paved by gravel as determined by the town.
- (6) All mobile homes must have direct access through a driveway, private drive or other public street to a public right-of-way.
- (7) All streets, private drives, and the like more than 250 feet in length must be lighted at night.

(C) *Operating requirements.* Each mobile park shall operate in accordance with the rules and regulations of the County Health Department and the fire protection agency having jurisdiction of the park.

(Ord. passed 12-16-85)

§151.105 ZONING ADMINISTRATOR.

The zoning Administrator who shall be appointed by the Town Board of Commissioners is duly charged with the enforcement of the provisions of this chapter. If the Zoning Administrator finds that any of the provisions of this chapter are being violated, the Zoning Administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Administrator shall also take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(Ord. passed 12-16-85)

§151.106 ZONING PERMIT.

(A) No building or structure or any part thereof shall be erected, extended, enlarged, or structurally altered or moved until a zoning permit has been issued by the Zoning Administrator or the Zoning Administrator's authorized representative. A fee of \$5 shall be charged for the issuance of each zoning permit.

(B) All applications for permits shall be in the form prescribed by the Zoning Administrator and shall include a plot of site plan drawn to scale which shall clearly show:

- (1) The actual shape and dimensions of the lot to be built upon or used and total acreage in the lot;
- (2) The location of the proposed structure or use on the lot;
- (3) The exact location and size of existing structures and uses;
- (4) The existing and intended use of each structure or part of structure;
- (5) The number of dwelling units the building is designed to accommodate, if applicable;
- (6) The height and number of stories of the structure;
- (7) The location and design of any off-street parking and/or loading;
- (8) The location and dimensions of driveways. Driveway approval procedures as required by the State Department of Transportation shall be initiated;
- (9) Date of plan preparation;
- (10) Location and descriptions of landscaping, buffering, and signs;
- (11) Such other information as may be necessary for determining whether the provisions of this chapter are being met.

(C) In addition to the information required in §151.106(B), any use which involves the grouping of more than one principal building or use on the same lot shall include the following information:

- (1) A vicinity map showing the relationship of the proposed development to the surrounding area;
- (2) North arrow and declination;
- (3) Detailed layouts for all utilities, right-of-ways, and roads and other improvements;
- (4) Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other similar features affecting the site;

- (5) A copy of any proposed deed restrictions or similar covenants;
- (6) For projects over an acre in size, or if otherwise required by the Zoning Administrator, a topographic map showing vertical contours every two feet;
- (7) The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineers responsible for the development.

(D) The Zoning Administrator may, in writing, exempt the applicant from meeting any plan requirement which is clearly inapplicable to the proposed use.

(E) Mobile home parks and shopping centers shall comply with the requirements of §151.091(C) in lieu of the requirements in this section.

(F) Any permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period in excess of one year.

(G) A record of all zoning permits shall be kept on file and open to the public, subject to state law.

(Ord. passed 12-16-85)

§151.107 CERTIFICATE OF OCCUPANCY/COMPLIANCE.

No land shall be used or complied, and no building or structure erected or altered shall be used or changed in use until a certificate of occupancy/compliance has been issued by the Zoning Administrator stating that the building and/or the proposed use complies with the provisions of this chapter. A certificate of the same shall be required for the purpose of changing any existing use; as well as for maintaining, reviewing, changing, or extending any nonconforming use. The aforementioned certificate shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten working days after the erection or alterations of such building or part shall have been completed in conformity with the provisions of this ordinance. A record of all such certificates shall be kept on file and open to the public, subject to state law.

(Ord. passed 12-16-85)

§151.108 CONFORMANCE WITH PLANS.

Permits or certificates issued on the basis of plans and applications shall authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction.

(Ord. passed 12-16-85)

§151.109 RIGHT OF APPEAL.

If the zoning permit and/or occupancy/compliance certificates are denied, the applicant may appeal the action of the Zoning Administrator to the Board of Adjustment.

(Ord. passed 12-16-85)

§151.110 BOARD OF ADJUSTMENT.

(A) There shall be and is hereby created a Board of Adjustment (hereinafter called the Board) consisting of five members, including three residents of the town of and two members of the one-mile extraterritorial jurisdiction. All members of the Board shall have voting power on all matters of business. The town residence members of the Board shall be appointed by the Town Board of Commissioners. Residents of the one-mile extraterritorial jurisdiction shall be appointed by the County Commissioners. The members of the Board of Adjustment shall have initial terms of office as follows: one member appointed for a term of one year; two members appointed for terms of two years; and two members appointed for terms of three years. An alternate member appointed from within the corporate limits of the town may serve on the Board only in the absence of a regular member appointed from within the town's corporate limits. The alternate member from the extraterritorial jurisdiction of the town may serve on the Board only in the absence of the regular member from that area. Subsequent terms shall be for three years. If the Board of County Commissioners fail to appoint the extraterritorial members within 90 days after receiving a resolution from the Town Board of Commissioners requesting that there appointments be made, the Town Board of Commissioners may make them.

(B) The Board of Adjustment shall elect a chairman and vice-chairman from its regular members, who shall serve for one year or until re-elected or until their successors are elected. The Board shall adopt rules and bylaws in accordance with the provisions of this chapter and of N.C.G.S. Ch. 160A. Art. 19. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence, the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board of Adjustment is necessary to reverse any order, requirement, decision, or

determination of any administrative official charged with the enforcement of this chapter, or to decide in favor of the applicant any matter upon which it is required to pass under this chapter, or to grant a variance from the provisions of this chapter. Hearings by the Board of Adjustment shall be conducted in accordance with §151.112.

(C) Every decision of the Board of Adjustment shall be filed in the office of the Zoning Administrator and a written copy thereof shall be delivered to the appellant by personal service or registered mail. Every decision by the Board shall be subject to review by superior court by proceeding in the nature of certiorari. Any appeal to the superior court shall be taken within 30 days after the decision of the Board is filed in the office of the Zoning Administrator, or after a written copy thereof is delivered to the appellant by the personal service or registered mail, whichever is later.

(D) The Board of Adjustment shall have the following powers and duties:

- (1) *Administrative review.* To hear and decided appeals where it is alleged that there is error in any order, requirement, or determination made by the Zoning Administrator in the enforcement of this chapter. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the town. Appeals shall be taken within times prescribed by the Board of Adjustment by general rule, by filing with the officer from whom the appeal is taken, and with the Board of Adjustment, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of this chapter. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court record on application, on notice to the officer from whom the appeal is taken and on due by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, of determination appealed from, and shall make any order, requirement, decision, or determination that, in its opinion, ought to be made in the premises. To this end, the Board shall have all the powers of the officer from whom the appeal is taken.

- (2) *Variances.* To authorize upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulty, or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance. Such variance may be granted in such individual cases of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:
- (a) There are exceptional conditions pertaining to the particular piece of property, in question because of its shape, size, or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this chapter unrealistic;
 - (b) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located;
 - (c) A literal interpretation of the provisions of this chapter would deprive the applicant or rights commonly enjoyed by other residents of the district in which the property is located;
 - (d) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare;
 - (e) The special circumstances are not the result of the actions of the applicant;
 - (f) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure;
 - (g) The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been assured. Such conditions may be imposed by the Board regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the Board to protect property values and general welfare of the neighborhood. Nonconformance with such

conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

- (3) *Conditional uses.* To hear and decide whether to allow specific conditional uses to be established in the districts indicated; to decide such questions as are involved in determining whether a conditional use should be granted; to grant conditional uses with such conditions and safeguards as are appropriate under this chapter, or to deny conditional uses when not in harmony with the purpose and intent of this chapter. Application for conditional uses shall be decided in accordance with the provisions of §§151.111 through 151.113.
- (4) *Map Interpretation.* To interpret the official zoning map in accordance with §151.044 of this chapter.

(Ord. passed 12-16-85)

§151.111 SPECIAL CONDITIONS AND USES.

The provisions of this chapter permit some uses to be established by right in the appropriate district while other uses are listed which require a permit from the Board of Adjustment or Town Board of Commissioners. Those which require a permit from the Board of Adjustment are termed conditional uses by this chapter, while those which involve broader policy considerations and therefore require a permit from the Town Board of Commissioners are termed special uses. Both types of uses, in some special or conditional uses, but they may also have characteristics which could have detrimental effects on adjacent properties, or even the entire area of the town, if not properly designed and controlled. Special and conditional uses shall be in accordance with the requirements in §151.113 as well as all other applicable requirements of this chapter.

(Ord. passed 12-16-85)

§151.112 APPLICATION AND REVIEW PROCEDURES.

This applicant shall submit the appropriate appeal for administrative review or for a variance or an application for a special or conditional use permit accompanied by a site plan prepared in accordance with §151.106 in the number of copies established by and along with any other information required by the Zoning Administrator for proper review of the application. The Board of Adjustment or the Board of Commissioners shall give due notice of the hearing to the parties involved. In the case of a special use permit application, the planning board shall be given 60 days to review the application, before the hearing. The hearing shall not be held until a Planning Board recommendation has been received or 60 days has elapsed. The Planning Board

shall give due notice to the applicant of any meetings at which the application will be considered. The hearing shall be conducted in accordance with the general law and court decisions of this state. More specifically, any interested party must be given the opportunity to present evidence or testimony, to cross-examine witnesses, to inspect documents, and to offer evidence or testimony which is competent, relevant, and material. Findings as to the existence or nonexistence of crucial facts shall be based on sworn evidence or testimony unless the party or parties before the Board stipulate the facts or waive this requirement. Although a four-fifths majority is necessary for the Board of Adjustment to grant a permit, the Board of Commissioners does not have to meet this requirement in issuing special use permits. The Clerk of the Board shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. A fee of \$25 shall be paid to the town for each application, for an administrative review, for a variance or special advertising and other administrative expenses involved. No application will be processed until the above fee has been paid.

(Ord. passed 12-16-85)

**§151.113 CONDITIONS WHICH MUST BE MET BY SPECIAL AND
CONDITIONAL USES.**

(A) In order for any special or conditional use to be granted, the applicant, at the hearing, shall present sufficient evidence to enable the Board to find that the following conditions exist where applicable:

- (1) All applicable specific conditions pertaining to the proposed use have been or will be satisfied;
- (2) Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency;
- (3) Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- (4) Utilities, schools, fire, police, and other necessary public and private facilities and services will be adequate to handle the proposed use;
- (5) The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts;

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(6) The type, size, and intensity of the proposed use, including such considerations as the hours of operation and number of people who are likely to utilize or be attracted to the use, will not have significant adverse impacts on adjoining properties or the neighborhood.

(B) If the appropriate board approves a special or conditional use, it may, as part of the terms of such approval, impose any additional reasonable conditions and safeguards as may be necessary to insure that the criteria for the granting of such a permit will be complied with and to reduce or minimize any potentially injurious effect of the use on adjoining properties, the character of the neighborhood, or the health, safety, morals, or general welfare of the community. Where appropriate, such conditions may include requirements that street and utility right-of-way be dedicated to the public and that provision be made of recreational space and facilities.

(C) In addition to the general conditions in §151.113(A), special and conditional uses shall meet specific conditions for the type of use as indicated in this section.

(1) Use: Multi-family dwellings and complexes as a special use in R-8 and O&I.

(a) Requirements: Maximum density shall be as indicated in §151.045(B)

(b) Where more than one building is to be located at the site, building separation shall be determined as follows: The minimum horizontal distance between the vertical projections of any points on two adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

<i>Height of Taller Building</i>	<i>Minimum Horizontal Distance Between Vertical Projections (Feet)</i>
20 or less	16
Between 20.1 and 25.0	25
Between 25.1 and 30.0	30
Between 30.1 and 35.0	40

(c) Distance related to windows: The minimum distance between the centers of facing windows of different dwelling units shall be 20 feet.

(d) A yard of at least 50 feet shall be provided around the entire perimeter of the site, with the exception of driveways. Parking spaces and accessory buildings shall not be allowed in the required yard.

(e) Access for emergency vehicles to all parts of the complex and to each dwelling unit shall be provided.

(f) Accessory buildings and uses for multi-family dwellings shall not be placed in the fifty foot yard around the perimeter of the site.

(g) The Board may approve the inclusion of leasing offices, and of coin-operated laundry facilities, swimming pool snack bars, and similar service uses for residents of the multi-family dwelling provided that they are intended to serve residents of the dwelling or complex only, and will not attract outside traffic to the site.

(2) Use: Planned Unit Developments as a special use in R-20, R-12, and R-8.

(a) A planned unit development is a project which is at least two gross acres in size to be located on land under unified control, planned as a whole, and developed in a single development operation or in a definitely programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.

(b) A planned unit development may contain any of the permitted, special, or conditional uses listed for the R-20, R-12, or R-8 districts, subject to approval of the plans by the Board of Commissioners. Board of Adjustment approval of those listed as conditional uses is not needed in a planned unit development. Dimensional and density requirements for multi-family dwellings in a planned unit development shall be as indicted for multi-family dwellings in §151.045(B) and in this section. Dimensional requirements for nonresidential uses in a planned unit development shall be those listed for other principal use in §151.045(B) for the district in which the planned unit development is located. Shopping centers are also permitted in a planned unit development. Uses allowed in such shopping centers are: grocery stores, drug stores, laundry and dry cleaning establishments, offices, gift shops, card shops, camera and photography shops, barber and beauty shops, and restaurants.

(c) In addition to the uses allowed in R-20, R-12, and R-8 districts and shopping centers, the following uses are allowed in planned unit developments:

(i) *Clustered detached single-family dwellings.* These are dwellings in which the lot size for each individual dwelling may be reduced, but may not be less than 6,000 square feet provided that the difference between the required dimensions for the district, as indicated in §151.045(B), and the reduced dimensions, is dedicated to a homeowner's association as common open space.

(ii) *Zero lot line dwellings.* These are detached single-family dwellings on lots without a side yard requirement on one side of the lot. The lot for a zero lot line dwelling may be reduced, but may not be less than 6,000 square feet provided that the difference between the required dimensions for the district as indicated in §151.045(B), and the reduced dimensions, is dedicated to a homeowner's association as common open space.

(d) Common areas and common open space shall be deeded to an owners' association and the developer or owner shall file with the Zoning Administrator and record in the County Register of Deeds office a declaration of covenants and restrictions as well as regulations as bylaws that will govern the open space. Provisions shall include, but not be limited to, the following:

(i) The association shall be established before the homes, buildings, or uses are sold;

(ii) Membership shall be mandatory for the buyer and all successive buyers, unless another arrangement is approved by the Board of Commissioners which adequately protects the interests of the town and the owners;

(iii) The association shall be responsible for the liability insurance, local taxes, and maintenance of recreation and other facilities;

(iv) Any sums levied by the association that remain unpaid shall become a lien on the individual owners' property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Town Board which adequately protects the interests of the town and the owners;

(v) Any owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association;

(vi) Uses of common property shall be appropriately limited;

(vii) The following information shall also be provided:

(a) The name of the association;

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- (b) The manner in which directors of the association are to be selected;
 - (c) The post office address of the initial registered office;
 - (d) The name of the city and county in which the registered office is located; and
 - (e) The number of directors constituting the initial board of directors.
- (3) Use: Public buildings, uses, utilities as a special use in R-20, R-12, R-8, O&I.
 - (a) Requirements: The Board shall review each application carefully and shall deny the permit if the benefit to the public will not outweigh any adverse effects the use might have.
- (4) Use: Radio and TV stations and transmission towers as a special use in R-20.
 - (a) Requirements: The minimum distance from the center of the transmission tower to the nearest property line shall be two times the height of the tower or the height of the tower plus 200 feet, whichever is greater. Off-street parking shall be provided at the rate of one space for each employee.
- (5) Use: Community centers as a conditional use in R-12, R-8, private clubs as a conditional use in R-20, R-12, R-8.
 - (a) Requirements: Noise from a public address system shall not be heard beyond the neighboring residential uses.
 - (b) The use will not be located in an area where traffic congestion will be a problem for neighboring residential uses.
- (6) Use: Fraternal organizations not open to the public as a conditional use in R-20, R-12, R-8.
 - (a) Requirements: The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.
 - (b) Noise from the public address system shall not be heard beyond the property where the use is located.
 - (c) The use shall not be located in an area where traffic congestion will be a problem for neighboring residential uses.
- (7) Use: Temporary uses such as circuses, carnivals, fairs, as a special use in R-20, R-12, R-8.

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(a) Requirements: This site shall be located at least 200 feet from the nearest occupied residential structure and shall be adequately designed for its size and purpose. The use shall meet any applicable County Health Department requirements.

(8) Use: Other temporary uses.

(a) Requirements: The Board shall consider the effects of the use on adjacent properties, and shall set a time limit on the temporary use.

(9) Use: Commercial amusements as a conditional use in C-2.

(a) Requirements: No outdoor activities including parking shall be located within 2,000 feet of and residentially zoned land. No lights may shine where they will produce glare which will not be directly cast on a residential structure. Noise from commercial amusements shall not be a nuisance to any residentially zoned land. The Board will pay close attention to buffering.

(b) For indoor activity, the Board will take into consideration the proposed size of the operation and number of patrons and their effect on neighboring areas.

(c) Hours of operation will be limited to 10:00 a.m. to 10:00 p.m.

(10) Use: Retail or wholesale businesses, service establishments, or public uses other than those specifically listed with outdoor sales, service, storage areas or which would emit smoke, odor, dust, fumes, or noise from the building in which they are located or involve possible fire hazard.

(a) Requirements: The Board will carefully consider the effects of the individual operation on neighboring property and the town and shall deny the permit if an adverse effect would be created.

(11) Use: Any manufacturing, processing, or warehousing or transportation or public use or utility which involves outdoor storage, services, operations, emits or will emit smoke, odor, dust, fumes, glare, noise, or vibration from the building in which it is located, or involves storage of combustible materials, or is among the uses listed as exceptions to permitted uses.

(a) Requirements: The Board will carefully consider the effects of the individual operation on neighboring property and the town and shall deny the permit if an adverse effect would be created.

(b) The Board shall require sufficient buffering to screen the outdoor use or portion of the use from view of streets and neighboring property.

(c) The outdoor use or portion of the use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin, or otherwise be a menace to public health and safety.

(d) Where a use could involve potential fire or other health hazards, the Fire Chief, and where applicable, the County Health Department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the operations and any storage measures.

(12) Use: Townhouses as a special use in R-8.

(a) Requirements:

(i) Minimum lot area, width, depth, and lot coverage requirements shall be as indicated in §151.045(B) of this chapter;

(ii) The yard requirements around the perimeter of townhouse projects with more than two attached townhouses shall be increased to 50 feet;

(iii) The minimum number of townhouses attached to each other shall be two and the maximum shall be eight;

(iv) Any common areas and common open space shall be deeded to a homeowners' association which meets the requirements of §151.113(C). For the use, townhouses as a special use in §151.113(C)(13)(b)5.e;

(v) Recreation and open space:

(b) Every person or corporation who establishes a townhouse project for residential purposes shall be required to dedicate a portion of such land for the purposes of park, recreation, and open space sites to serve the residents of the townhouse project;

(c) The minimum amount of land that shall be dedicated for recreation, parks, or open space in all townhouse projects shall be one-half acre for each townhouse or 5% of the gross acreage, whichever is greatest;

(d) Criteria for evaluating suitability of proposed recreation, parks, and open space areas shall include, but not be limited to, the following, as determined by the Board of Commissioners in consultation with the Planning Board;

(i) The dedicated land shall be a single parcel except where it is determined that two or more parcels would be in the public interest. The Board of Commissioners may require that parcels be connected, and may

require the dedication of a connecting path of up to 60 feet, and in no case less than 30 feet in width in addition to the land required in §151.113(C)(13)(b)5.b. of this use;

(ii) The dedicated land shall be located so as to serve the creation needs of the townhouse project.

(iii) Public access to the dedicated land shall be provided either by an abutting street or public easement. Such easement may be required to be up to 60 feet in width and shall in no case be less than 30 feet in width;

(iv) The dedicated land shall be usable for active recreation (play areas, ball fields, tennis courts, or similar recreation uses). Lakes may not be included in computing amount of land to be dedicated unless acceptable to the Board of Commissioners. If the Board of Commissioners determines that active recreation needs are being met by other dedicated parcels or existing recreation facilities, then land that is suitable for open space may be dedicated.

(13) The Board of Commissioners may, in cases of unusual or exceptional nature, allow adjustments in the dedication requirements established in or required by this chapter. Such adjustments shall be reviewed by the Planning Board before action by the Board of Commissioners;

(14) The land required by this section may be dedicated to the town, or may be deeded to a homeowners' association, the developer or owner shall file with the Zoning Administrator and record with the final townhouse project plat a declaration of covenants and restrictions as well as regulations and bylaws that will govern the open space. Provisions shall include but not be limited to, the following:

(a) The association shall be established before the homes were sold;

(b) Membership shall be mandatory for each home buyer and all successive buyers, unless another arrangement is approved by the Board of Commissioners which adequately protects the interest of the town and the owners;

(c) The association shall be responsible for the liability insurance, local taxes, and maintenance of the recreation and other facilities;

(d) Any sums levied by the association that remain unpaid shall become a lien on the individual homeowners' property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Board of

Commissioners which adequately protects the interests of the town and the owners;

(e) If all or any portion of the property held by the association is being disposed of, or if the association is dissolved, adequate open space shall be deeded to the town to satisfy the requirements for public recreation space under this section of the chapter;

(f) An owner of each dwelling unit or each homeowner shall have voting rights in the association;

(g) Uses of common property shall be appropriately limited;

(h) The following information shall also be provided:

(i) The name of the association; B. The manner in which directors of the association are to be selected;

(ii) The post office address of the initial registered office;

(iii) The name of the city and county in which the registered office is located;

(iv) The number of directors constituting the initial board of directors. Nothing herein shall be construed to limit the amount of privately controlled open space which may be included in this agreement, over and above the recreation and park site obligation.

(15) Use: Commercial amusement buildings as a special use in C-1, C-2, electronic and pinball machines as a special use in C-1, C-2.

(a) Requirements: The Board will take into consideration the proposed size and number of patrons and their effect on neighboring uses. Hours of operation will be limited to 10:00 a.m. to 10:00 p.m.

(16) Use: Day nurseries as a conditional use in R-20, R-12, R-8.

(a) Requirements: Before a day care center may be occupied, licensing is required by the North Carolina Day Care Licensing Board as provided in N.C.G.S. §§110-85 *et seq.*

(17) Use: Amusement parks as a special use in C-2, I.

(a) Requirements: No activities including parking, shall be located within 2,000 feet of any residentially zoned land. No lights from the park may shine where they will produce glare which will not directly cast on a residential structure. Noise from the park shall not be a nuisance to any residentially zoned land. The Board will pay close attention to buffering.

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- (18) Use: Campground for youth or organized groups as a conditional use in R-20.
- (a) Requirements: The site shall be located where there shall be no disturbance to residences, and shall be adequately designed for this size and purpose. The use shall meet any applicable County Health Department requirements.
- (19) Use: Outdoor storage yards as a special use in I.
- (a) Requirements: The board shall require sufficient buffering to completely screen the use from view of streets and neighboring property.
- (b) The use shall be maintained in a sanitary condition at all times so as not to harbor mosquitoes, vermin, or otherwise be a menace to public health and safety.
- (20) Use: Campground as a conditional use in R-20.
- (a) Requirements: The site shall be located where there shall be no disturbance to residences, and shall be adequately designed for its size and purpose. The use shall meet any applicable County Health Department requirements.
- (21) Use: Storage of inflammable liquids and other hazardous substances as a conditional use in I.
- (a) Requirements: The Fire Chief, and where applicable, the County Health Department, shall have an opportunity to review the application. The applicant shall provide all needed information to enable the appropriate officials to determine the safety of the storage measures.
- (22) Use: Mobile homes and individual lots as a conditional use in R-20.
- (a) Requirements: All requirements for the location of a single-family dwelling on an individual lot shall be met. Any mobile home constructed before July 1, 1970 must be approved by Underwriters Laboratories and any mobile home constructed after that time must meet all applicable state and federal standards. All mobile homes shall be tied down in accordance with the state regulations for mobile homes and modular housing. All County Health Department requirements shall be met.

(Ord. passed 12-16-85)

§151.114 AMENDMENTS.

(A) This zoning code, including the official zoning map, may be amended only by the Board of Commissioners of the town, according to the procedures of this section. Proposed amendments may be initiated by the Board of Commissioners, Planning Board, or Board of Adjustment. Proposed amendments to the text of the zoning ordinance may also be initiated by any resident or property owner within the jurisdiction covered by this chapter, and any property owner within the jurisdiction covered by this chapter may initiate a request for a change in the zoning classification of his property.

(B) Except for amendments initiated by the Town Board, Planning Board, or Board of Adjustment, no proposed amendment shall be considered by the Town Board nor a public hearing held until an application containing the following information is submitted by the applicant: a statement of the present zoning regulations or district boundary, the name and signature of the applicant, and if an amendment of the zoning map is proposed, the tax parcel number of the lot proposed to be rezoned, the names and addresses of the owners of the lot in question, and the use of each adjacent property. The applicant shall provide any additional information related to the proposed amendment requested in writing by the Planning Board or Board of Commissioners. The Zoning Administrator shall transmit the original application to the Town Board and a copy to the Planning Board. The original application shall be filed in the office of the Zoning Administrator after consideration by the Town Board.

(C) No amendment shall be adopted by the Board of Commissioners until they have held a public hearing on the amendment, and shall have given the Planning Board at least 30 days after the public hearing to make a recommendation concerning the amendment. Notice of the hearing shall be published in a newspaper of general circulation in the town at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 not less than ten days prior to the hearing date. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. Whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Town Board of Commissioners that same, and such certificate shall be deemed conclusive in the absence of fraud. This provision shall apply only when tax maps are available for the area to be zoned.

(D) Should a protest petition as described in N.C.G.S. §§160A-386 be submitted, it shall be handled in accordance with the procedures in N.C.G.S. §§160A-385 and 160A-386.

(E) When an application for amendment is denied by the Board of Commissioners, a period of 12 months must elapse before another application for the same property previously involved may be submitted.

(Ord. passed 12-16-85)

§151.115 VIOLATION REMEDIES.

In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the Zoning Administrator or any other appropriate town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent the violation.

(Ord. passed 12-16-85)

§151.999 PENALTY.

Any person violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished for each offense by a fine not exceeding \$50 or by imprisonment not to exceed 30 days. Each day a violation continues shall be deemed a separate offense.

(Ord. passed 12-16-85)