

TOWN OF YANCEYVILLE ZONING ORDINANCE



**RE-ADOPTED IN FULL
MAY 7TH, 2019**

TABLE OF CONTENTS

		Page
Chapter 1	In General and Definitions	1
Chapter 2	Administration and Enforcement	15
Chapter 3	District Descriptions and Uses	17
Chapter 4	Table of Permitted Uses	31
Chapter 5	Special Uses	42
Chapter 6	Signs	73
Chapter 7	Area, Yard and Height Requirements	83
Chapter 8	Off Street Parking and Loading	86
Chapter 9	Nonconformances	90
Chapter 10	Amendments	92
Chapter 11	Board of Adjustment	94

CHAPTER 1. IN GENERAL AND DEFINITIONS

Sec. 1-1. Title.

This chapter shall be known as the Zoning Ordinance of the Town of Yanceyville, North Carolina.

Sec. 1-2. Purpose

This chapter is designed to encourage the protection and development of the various physical elements of the Town and its jurisdiction in accordance with a comprehensive plan of land use and population density and for the purpose of promoting the public health, safety, general welfare; promoting the orderly growth, expansion and development of the town and surrounding areas; lessening congestion in the roads and streets; providing adequate light and air; securing safety from fire, panic and other dangers; preventing the overcrowding of land; and facilitating the adequate provision of transportation, water sewerage, schools, parks and other public requirements.

Sec. 1-3. Authority.

This chapter is adopted under the authority granted by the General Assembly to state municipalities (G.S. 160A-360 et. seq.)

Sec. 1-4. Interpretation, purpose and conflict.

In interpreting and applying the Zoning Ordinance the sections shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

Sec. 1-5. Jurisdiction.

The regulations presented in this Ordinance shall apply to all property within the corporate limits of the Town, as shown on the official zoning map of the Town.

Sec. 1-6. Farm exemption.

This chapter shall in no way regulate, restrict, prohibit or otherwise deter any bona fide farm and the related uses, except that any use of such property for nonfarm purposes shall be subject to such regulations.

Sec. 1-7. Uses.

No building or land shall be used or occupied, and no building or part thereof shall be erected, moved, or structurally altered except in conformity with the use and dimensional regulations of this Ordinance or amendments thereto for the district in which it is located.

Sec. 1-8. One main building per lot.

In all zoning districts, only one principal building and its customary accessory buildings may be erected on any lot, except for multifamily or planned business developments and except for bona fide rural farm use.

Sec. 1-9. Minimum yards.

The minimum yards or other open spaces required by this Ordinance, including those provisions regulating intensity of use, for each and every building erected or structurally altered shall not be encroached upon or considered as meeting the yard or open space requirements of the intensity of use provisions for any other building.

Sec. 1-10. Minimum regulations.

Regulations set forth by this Ordinance shall be minimum regulations. If the district requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive or higher standards shall govern.

(Sections 1-1 through 1-10 Ordinance of 8-27-87)

Sec. 1-11. Effect of chapter on outstanding building permits.

Nothing contained in this ordinance shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted by the building inspector before the effective date of this ordinance; provided however, that when construction is not begun under such outstanding permit within a period of 60 days after the effective date of this ordinance or where it has not been completed within 18 months after the effective date of this ordinance, any further construction or use shall be in conformity with this ordinance.

Sec. 1-12. Definitions.

- (a) *Generally.* Except where specifically defined in this section, all words used in this chapter shall carry their customary dictionary meanings. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a detached subordinate structure operated and maintained under the same ownership and located on the same lot as the main building. No such building may be inhabited or used by other than the owners, lessees or tenants of the premises or their employees.

Accessory use means a use incidental to and customarily associated with the use by right and located on the same zone lot with the use by right and operated and maintained under the same ownership with the operation of the use by right.

Adult establishment means an adult bookstore, an adult motion picture theatre, adult mini motion picture theatre, adult live entertainment business, or massage business as defined in Article 26A of G.S. 14 as written or subsequently amended.

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

Alley means a public or private roadway which affords only a secondary means of access to abutting property.

Alter means to make any structural changes in the supporting or loadbearing members of a building, such as bearing walls, columns, beams, girders, floor joists.

Apartment: See Dwelling, multiple-family.

Assembly means a joining together of completely fabricated parts to create a finished product.

Assisted living – (Defined in GS 131D Inspection and Licensure of Facilities, Article I Adult Care Homes, 2.1. Definitions.) - Any group housing that provides residential care for aged or disabled persons whose principal need is a home with the shelter or personal care their age or disability requires.

Board of adjustment means the town council as authorized by G.S. 160A-388 to hear and

decide requests for variances and appeals of decisions of administrative officials charged with enforcement of the Zoning Ordinance and the Minimum Housing Code.

Buffer strip means an approved wall, fence or planted strip at least five feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than ten feet apart, and not less than one row of dense shrubs, spaced not more than five feet apart.

Building means any structure enclosed and isolated by exterior walls, constructed or used for residence, business, industry or other public or private purposes or accessory thereto, and including tents, lunch wagons, dining cars, trailers, and similar structures where stationary or movable. The term "building" includes the word "structure."

Building, height of means 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 mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Building line means a line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, gutters, and similar fixtures, and the right-of-way line of any street when measured perpendicular thereto.

Chapter means this chapter, including any amendments. Whenever the effective date of the ordinance from which this chapter derives is referred to, the reference includes the effective date of any amendment to it.

Condominium development means a development of one or more structures containing two or more units intended for owner occupancy, where the land beneath each unit and all common areas, as defined in the North Carolina Unit Ownership Act, are owned proportionately by each unit owner in the development. Units and the land on which they are built do not meet conventional lot requirements for street frontage and yard sizes, and walls between units are constructed in accordance with state building code requirements. All such projects shall conform to the density requirements of the district in which the development is located and shall be approved in accordance with special use provisions for condominiums in Chapter 5.

Congregate Care - A long-term care facility for elderly people who are able to get around on their own but who may need help with some daily activities and have staff on call. Includes assisted living and independent living.

Detached building means a building having no party or common wall with another building except an accessory building.

District means any section of the town in which zoning regulations are uniform.

Dwelling means any building, or portion thereof, which is designed for living and sleeping purposes.

Dwelling, multiple-family means a building arranged or designed to be occupied by three or more families living independently of each other.

Dwelling, single-family means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, tiny house – A dwelling for one or more people that is proportional to the number of people who live in it, typically under 250 sq. ft. for a single person. A tiny house shall meet the standards of the NC Residential Building Code including being built on a foundation and shall have parking for at least one vehicle.

Dwelling, two-family means a building arranged or designed to be occupied by two families living independently of each other, the structure having only two dwelling units.

Dwelling unit means a dwelling or that portion of a multiple dwelling used or designed as a residence for one family. In nursing homes, homes for the aged, convalescent homes and other such multiunit facilities, two resident persons shall be equivalent of one dwelling unit.

Erect means build, construct, erect, rebuild, reconstruct or re-erect, as such terms are commonly defined.

Fabrication means manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ones, lumber or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

Family care home means a home defined in G.S. 168-21 and licensed pursuant to G.S. 131D, Article 1, both as written or subsequently amended, with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for two to six resident persons with disabilities. As provided in G.S. 168-22 a family care home is a residential use for zoning purposes and shall be permitted in all residential zoning districts.

Fine arts and crafts means individual art pieces not mass-produced, consisting of one or more of the following: paintings, drawings, etchings, sculptures, ceramics, inlays, needlework, knitting, weaving, and craftwork, leather, wood, metal or glass.

Flea market means buildings or open areas in which sales areas or stalls are set aside or rented and which are intended for use by one or more individuals or by educational, religious or charitable organizations to sell a variety of articles such as those that are either homemade, homegrown, handcrafted, old, obsolete or antique.

Frontage means all property abutting on one side of a street measured along the street line.

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

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

Garage, private means a building or space used as an accessory to or a part of the main building permitted in any residence district and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

Garage, public means any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles for the public or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, storage means any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

Group home – A home with support and supervisory personnel that provides the same services for the same clientele as a family care home, except that a Group Home may house six (6) to ten (10) residents.

Home occupation means any use conducted for gain within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display; only one person not a resident on the premises shall be employed specifically in connection with the activity; no equipment shall be installed or used except such as is normally used for domestic or professional purposes; and not over 25 percent of the total floor space or 400 square feet of any structure, whichever is less, shall be used for home occupations.

Hotel means a building used as an abiding place of more than fourteen persons who for compensation are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

Junkyard means the use of more than 600 square feet of any lot or tract for the outdoor storage and sale of wastepaper, rags, scrap, metal or other junk, and including storage of motor vehicles and dismantling of such vehicles or machinery.

Lot means a parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot width and lot area as are required by this chapter and having not less than the minimum required frontage upon a street, either shown on a plat of record or considered as a unit of property and described by metes and bounds. The term "lot" includes the term "plot" or "parcel."

Lot, corner means a lot which occupies the interior angle at the intersection of two street lines which make an angle of more than 45 degrees and less than 135 degrees with each other. The street line forming the least frontage shall be deemed the front of the lot, except where the two street lines are equal, in which case the owner shall be required to specify which is the front when requesting a zoning permit.

Lot, depth of means the average horizontal distance between front and rear lot lines. *Lot line, rear* means:

- (1) If the lot has one front line, the boundary opposite that front line shall be the rear line;
- (2) If the lot has two front lines, the boundary opposite the shorter of the two front lines shall be the rear line, provided that if both front lines are of equal length, the rear line shall be fixed by the town manager, subject to review by the board of adjustment, on the basis of orientation of existing structures; and
- (3) If the lot has three or more front lines, there shall be no rear line.

Lot of record means a lot which is part of a subdivision, a plot of which has been recorded in the office of county register of deeds prior to the adoption of the ordinance from which

this chapter derives or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the ordinance from which this chapter derives.

Where the owner of a lot of official record in any residential district at the time of the adoption of the amendment to the ordinance from which this section derives (September 30, 1993) or his successor in title thereto does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this chapter, such a lot may be used as a residential building site, provided that a variance is obtained from the board of adjustment. Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at any time after adoption of the amendment to the ordinance from which this section derives (September 30, 1993) and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot of several lots which meet the minimum requirements of this chapter for the district in which such lots are located. However, nothing in this section shall require the combining of lots of record to meet the additional requirements of the watershed overlay districts.

Lot, width of means the average horizontal distance between side lot lines.

Manufactured home (also known as mobile home) means a residential dwelling unit, designed for transportation after fabrication on its own wheels or on flatbeds or other trailers and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor unpacking and assembly operations. Travel trailers and campers shall not be considered mobile or manufactured homes.

Manufactured home, class A means a manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (1) The manufactured home has a length not exceeding four times its width (e.g., a doublewide unit);
- (2) The pitch of the manufactured home's roof has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with shingles;
- (3) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding, wood or hardboard;
- (4) A continuous, permanent masonry curtain wall or foundation, unpierced except for ventilation and access, is installed under the manufactured home.

Manufactured home, class B means a manufactured home constructed after July 1, 1976, that meets or exceeds the standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a class A manufactured home.

Manufactured home, class C means a manufactured home that does not meet the definition of either a class A or a class B manufactured home.

Manufactured home park means land used or intended to be used, leased or rented for occupancy by three or more manufactured homes, anchored in place by a foundation or other stationary support, to be used for living purposes and accompanied by automobile parking spaces and incidental utility structures and facilities required and provided in connection therewith. This definition shall not include manufactured home sales lots on which the unoccupied manufactured homes are parked for purposes of inspection and sale.

Map or zoning map means the official zoning map of the town.

Motels or motor lodges means a building or a group of buildings containing sleeping rooms, designed for or used temporarily by automobile transients, with garage or parking space conveniently located to each unit.

Nonconforming lot means a lot existing at the effective date of the ordinance from which this chapter derives or any amendment to it, and not created for the purpose of evading the restrictions of this chapter, that cannot meet the minimum area or lot width requirements of the district in which the lot is located.

Nonconforming project means any structure, development or undertaking that is incomplete at the effective date of the ordinance from which this chapter derives and would be inconsistent with any regulations applicable to the district in which it is located if completed as proposed or planned.

Nonconforming situation means a situation that occurs when, on the effective date of the ordinance from which this chapter derives or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter or because land or buildings are used for purposes made unlawful by this chapter.

Nonconforming use means a nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located (for example, a commercial office building in a residential district may be a nonconforming use). The term also refers to the activity that constitutes the use made of the property (for example, all the activity associated with running a bakery in a residential zoned area is a nonconforming use).

Nonconformity, dimensional means a nonconforming situation that occurs when the height

or size of a structure or the relationship between an existing building and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

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

Open storage means unroofed storage areas, whether fenced or not.

Parking space means the storage space for one automobile of not less space than prescribed by this chapter, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Planned unit development (PUD) means a development which shall consist of a group of buildings on a single lot or tract or structures on a site where the developer may reduce the size of individual lots. A PUD must be in accordance with section 42-202.

Planning board means a board appointed by the town council to study the city and its environs, to recommend plans and policies for the future and to advise the town council in matters pertaining to planning and zoning.

Preschool means a facility for the care and education of children of preschool age, including kindergartens and day care centers.

Processing means any operation changing the nature of materials, such as chemical composition or physical qualities. This definition does not include operations described as fabrication.

Retail trade means businesses which sell goods that are not for resale to the public and which are open on a regular basis for consumer shopping. At least 40 percent of the floor space of a retail business must be open to the public and devoted to the sale and display of goods on the premises.

Rooming house means a building or portion thereof which contains guestrooms which are designed or intended to be used, let or hired out for occupancy by or which are occupied by four or more but not exceeding nine individuals for compensation, whether the compensation is paid directly or indirectly.

Service station means any building or land used for the dispensing, selling or offering for sale at retail of any automobile fuels, lubricants or tires, except that indoor car washing, minor

motor adjustment and flat tire repair are only performed incidental to the conduct of the service station.

Shall is always mandatory.

Shelter, emergency means temporary lodging with minimal support services

Shelter, transitional (also referred to as “transitional housing”) means temporary lodging that usually includes supportive services

Sign means any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which are visible from any public way and used to attract attention. Specific types of signs are defined as follows:

- (1) Freestanding Sign - A sign which is attached to the ground on its own support and stands alone and is not attached to any other building or structure.
- (2) Projecting sign means a sign attached to and supported by a building and extending beyond the building to which it is attached at a right angle.
- (3) Wall sign means a sign that is attached to or painted on the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than fifteen (15) inches. A painted work of art or mural is not considered a wall sign.

Solar generation facility (utility scale) means an installation, sometimes called a solar farm, designed and used to capture and convert solar energy into electric or thermal energy for use off-site, such as transmission to the power grid. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

Special use means a use permitted in a zone district only after recommendation by the planning board and specific findings by the town council.

Story means that portion of a building, other than the basement, included between the surface of any floor and the surface floor next above it or, if there is no floor above it, the space between the floor and the ceiling next above it.

Story, half means a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level and in which not more than two-thirds of the floor area is finished off for use.

Street means a public thoroughfare which affords the principal means access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road and any other thoroughfare except an alley.

Street line means the dividing line between a street or road right-of-way and the contiguous property.

Structure means anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including signs.

Tiny House means a dwelling between 200 and 800 square feet in size that complies with N.C. Building Code requirements for a dwelling including but not limited to:

- It must have at least one habitable room no smaller than 120 square feet.
- Any additional rooms (separate bedrooms, etc.) must be at least 70 square feet each.
- Each dwelling must have a bathroom that includes a toilet, sink and shower or tub, and minimum clearances for each of those fixtures must be met. For estimation purposes, it is unlikely a bathroom could be much smaller than 40 square feet.
- Each dwelling must include a kitchen area with sink, but that area can be part of one of the other rooms (i.e., a studio or great room).
- Minimum of one egress door 36" x 78" side-hinged
- Minimum ceiling height for habitable rooms is 7 feet with no obstructions (light fixtures, beams, etc.) below 6 feet, 8 inches.
- Minimum of one emergency egress window in each sleeping area must meet all of the following: sill height max. 44 inches, minimum net clear operable area of 4 square feet, the minimum net clear opening height shall be 22 inches. The minimum net clear opening width shall be 20 inches.
- Any interior doors providing egress from habitable rooms shall have minimum dimensions of 30 x 78 inches.

There is no minimum size for a dwelling in North Carolina, but given the requirements above, Yanceyville requires a 200 square foot minimum size for a tiny house.

Tourist home means a dwelling where lodging only is provided for compensation for not exceeding 14 persons and which is open to transients.

Townhouse development means a development of one or more structures containing a total of two or more units intended for owner occupancy, where ownership of the land beneath each unit runs with that unit, where units and the individually owned lands on which they rest do not meet conventional lot requirements for street frontage and yard sizes, and where walls between units are constructed in accordance with state building code requirements. All such projects shall conform to the density requirements of the district in

which the development is located and shall be approved in accordance with special use provisions for townhouses in Chapter 5.

Use means the purpose for which land or structures thereon is designed, arranged or intended to be occupied or used or for which it is occupied, maintained, rented or leased.

Use, accessory: See *Accessory use*.

Use by right means a use which is posted as a use by right in any given zone district in this chapter.

Use, special: See *Special use*.

Used or occupied, as applied to any land or building, is construed to include the terms "intended, arranged or designed to be used or occupied."

Variance means a modification or alternation of zoning requirements. This can be done only by the board of adjustment after specific findings of fact. See Chapter 11 Board of Adjustment.

Warehouse means a building or compartment in a building used and appropriated by the occupant for the deposit and safekeeping or selling of his own goods at wholesale, or for the purpose of storing the goods of others placed there in the regular course of commercial dealing and trade, to be again removed or reshipped.

Warehousing means the depositing or securing of goods, wares and merchandise in a warehouse.

Wholesale means sale for resale, not for direct consumption.

Yard means an open space on the same lot with a principal building unoccupied and unobstructed by any structure from the surface of the ground upward except for drives, sidewalks, lampposts, entrance steps, retaining walls, fences, landscaping and as otherwise provided in this chapter.

Yard, front means an open space on the same lot with a building, between the front line of the building, exclusive of steps, and the front property or street right-of-way line and extending the full width of the lot.

Yard, rear means an open space between the rear line of the principal building, exclusive of steps, and the rear line of the lot and extending the full width of the lot; may be used for accessory building.

Yard, side means an open, unoccupied space on the same lot with building between the side

line of the building, exclusive of steps, and the side line of the lot and extending from the front yard line to the rear yard line.

Zoning enforcement officer means the official charged with the enforcement of this chapter.

CHAPTER 2. ADMINISTRATION AND ENFORCEMENT

Sec. 2-1. Zoning enforcement officer.

- (a) The Town Manager or the manager's designee is appointed the zoning enforcement officer with the duties of enforcing this Ordinance.
- (b) If a ruling of the zoning enforcement officer is questioned, the aggrieved party may appeal such ruling to the Board of Adjustment.

Sec. 2-2. Building permit required.

Under this Ordinance, no building or other structure shall be erected, moved, extended or enlarged, or structurally altered nor shall any excavation or filling of any lot for the construction of any building be commenced until the designated building inspector issues a building permit for such work.

Sec. 2-3. Application for building permit.

Each application to the Town for a building permit shall be accompanied by plot plans in duplicate showing:

- (1) The actual dimensions of the lot to be built upon;
- (2) The size of the building to be erected;
- (3) The location of the building on the lot;
- (4) The location of existing structure on the lot, if any;
- (5) The number of dwelling units the building is designed to accommodate;
- (6) The approximate setback lines of buildings on adjoining lots; and
- (7) Such other information as may be essential for determining whether this Ordinance is being observed.

Sec. 2-4. Building permit fees.

When making application for a building permit under this Ordinance, a fee set by the Town Council shall be charged.

Sec. 2-5. Certificate of occupancy required.

- (a) A certificate of occupancy issued by the building inspector is required in advance of occupancy or

use of the following:

- (1) A building erected, altered or moved.
- (2) A change of use of any building or land.

(b) Application for a certificate of occupancy either for the whole or a part of a building shall be made at the same time as the application for a building permit and shall be issued within ten days after the erected or structural alterations of such building or part shall have been completed in conformity with this Ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable sections of this Ordinance. If the certificate of occupancy is denied, the building inspector shall state in writing the reasons for refusal, and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the building inspector.

Sec. 2-6. Penalty for violation.

- (a) Violation of this Ordinance shall constitute a misdemeanor punishable as provided in G.S. 14-4.
- (b) Any act constituting a violation of this Ordinance shall also subject the offender to a civil penalty of \$100.00. If the offender fails to pay the penalty within ten days of receiving final written notice of a violation, the penalty may be recovered by the Town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender received a final written notice of violation and did not appeal to the Board of Adjustment within thirty (30) days after the decision was rendered as provided by the time limit prescribed in Section 10.3 of this Ordinance.
- (c) Each day that any violation continues after receipt of the final written notice of violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified in this Section.
- (d) In addition to the penalties and remedies in subsections (a) and (b) of this Section, the Town may institute any appropriate actions or proceeding to prevent, restrain, correct or abate a violation of this Ordinance. (Ordinance of 8-27-87)

CHAPTER 3 DISTRICTS, INTENT AND USES

DIVISION 1 DISTRICTS ESTABLISHED AND INTENT

See. 3-1. Scope of Chapter.

Regulations for the various classes of zoning districts shall be as set forth in this chapter. (Ord. of 8-27-87, art. V)

Sec. 3-2 District Names and Intent

For the purpose of this ordinance the Town of Yanceyville is hereby divided into zoning districts with the designations and intent as listed below.

A conditional zoning district bearing the designation CD is hereby established as a parallel district for every district established herein. All regulations which apply to a general use zoning district also apply to the companion conditional district. All other regulations which may be offered by the property owner and approved by the Town as a part of the rezoning process also apply. The review process established in Section 3.5 provides for reclassification of property into a conditional district, subject to specific conditions, which ensure compatibility of the use with the neighboring properties. All regulations that apply to a General Zoning district also apply to the parallel Conditional district.

R-A residential agricultural district. This district is defined as low-density residential areas of single-family dwellings, some agricultural uses and open areas where low-density residential development will likely occur. This district is generally found in outlying areas not served by sewer service. Requests for proposed development will be adequately provided with approved water and sewer service.

R-A CD residential agricultural conditional district. Identical to the R-A district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

R-12 residential suburban district. This district is defined as low-density single-family areas plus open areas where similar development will likely occur. Water and sewer systems must be provided and approved by appropriate authorities.

R-12 CD residential suburban conditional district. Identical to the R-12 district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

RR-8 restricted residential (medium density) district. This district is defined as medium-density single-family areas with water and sewer, plus open areas where similar development will likely occur.

RR-8 CD residential restricted conditional district. Identical to the RR-8 district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

R-8 residential medium density district. This district is defined as medium-density areas for mixed residential uses, primarily single-family and multifamily developments with water and sewer, as well as certain classes of manufactured housing on individual lots.

R-8 CD residential medium density conditional district. Identical to the R-8 district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

R-MH manufactured home park district. This district is a planned district for the location of manufactured home parks as defined and described in division 4 of article III of this chapter. Other residential uses including single and multifamily are permitted. The regulations of this district are designed to encourage planned development and to discourage over-concentration and congestion.

R-MH CD manufactured home park conditional district. Identical to the R-MH district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

OI office and institutional district. This district is established primarily for professional, office, service occupations, institutional and government uses including public parks. It often provides a transition between residential and commercial districts.

OI CD office and institutional conditional district. Identical to the OI district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

B-1 central business district. This district is defined as the centrally located commercial, office and service area of the community. Regulations for this district are designed to encourage continued use of land for trade and business, professional and financial services and to permit a concentrated development of permitted uses, while discouraging over-intensive development and congestion.

B-1 CD central business conditional district. Identical to the B-1 district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

H-B highway business district. This district is defined as certain areas along major highways where commercial and service establishments are located to serve industrial areas, residents of the community and travelers. The variety of services and businesses in this district is greater than

in the business, office and institutional district.

H-B CD highway business conditional district. Identical to the H-B District except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

M-1 restricted manufacturing district. This district is defined as certain areas more suited for industrial use than residential use but situated where residential development or prospective development is in close proximity on one or more sides of the district. The uses which are permitted in this district are those characterized by low traffic density, low land coverage, buffers and landscaping and absence of objectionable external effects. Landscaping in keeping with residential area is encouraged.

M-1 CD restricted manufacturing conditional district. Identical to the M-1 district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

M-2 manufacturing district. This district is defined as certain lands so situated as to be suitable for industrial development, usually along railroad sidings or major thoroughfares, but where certain operations could adversely affect nearby properties. The purpose of this district is to permit the normal operations of almost all industries except those that would be detrimental to adjoining properties. Selected business uses are also appropriate in this district.

M-2 CD manufacturing conditional district. Identical to the R-A district except that conditional rezoning is required as a prerequisite to any use or development, as provided for in this chapter.

Secs. 3.3 – 3.4 Reserved.

DIVISION 2 CONDITIONAL DISTRICTS INTENT AND PROCESS

Section 3-5. Conditional Districts

- A. Purpose of Conditional Zoning Districts. Conditional zoning districts are zoning districts in which the property owner proposes development and use of property subject to standards and conditions submitted by the owner. The conditional district itself, like a rezoning, is created by means of a legislative decision.

A conditional zoning district can be beneficial because, unlike a general use district, it allows a particular use or uses to be established with specific standards and conditions that will enhance the compatibility of the use with the area and adjacent property.

- B. Review Process.

1. Submissions - The owner(s) of the property proposed for the use shall submit a petition for all of the property requested to be rezoned to a Conditional Zoning District. The petition shall include
 - a. a to scale preliminary site plan
 - b. supporting information that specifies the proposed use or uses
 - c. any conditions or regulations that, in addition to the ordinance requirements for the general use district, will govern the development and use of the property
 - d. a boundary survey showing the property's gross acreage, current zoning classification(s), the location of adjacent public streets and any other rights-of-way
 - e. proposed use of all land and structures, including the number and type if residential units
 - f. all setbacks, buffers, screening, and landscaping required by the town and proposed by the owner
 - g. existing and proposed access points to public streets and traffic signals
 - h. a statement analyzing the reasonableness of the proposed conditional zoning that includes: (a) the conditional zoning's compatibility with the surrounding area and any town plans; (b) the benefits and detriments of conditional zoning for the subject property, neighboring properties and the surrounding community; and (c) the conditional zoning's compatibility with the existing land uses on adjacent and neighboring tracts.

The Town Manager shall have the authority to waive any application requirements where the type of use or scale of the proposal makes providing that information unnecessary or impractical.

In the course of evaluating a petition for conditional zoning for a proposed use or development, the Town may request additional information from the petitioner such as location of structures, signage and screening

2. Required Community Meeting Before Public Hearing - The Town shall sponsor an Information Meeting involving the developer, Planning Board, and adjacent property owners. The purpose of the informal meeting is to provide a time for adjoining property owners to meet with the developer and the Town staff to review preliminary proposals before they are presented at a public hearing conducted by the Town Council. Notices of this Information Meeting shall be sent by First Class mail at a minimum to all adjoining property owners.
 3. Planning Board Review - The Planning Board shall review the proposal for consistency with all applicable standards in this Ordinance. The planning staff shall make recommendations in writing to the applicant, at which time the applicant may choose to revise and resubmit the preliminary plan.
- C. Applying for Rezoning. The applicant shall follow procedures set forth in this ordinance in Chapter 10 Amendments.

- D. Conditions to Approval of Petition. - In approving a petition for reclassification to a Conditional Zoning District, the petitioner may agree to additional reasonable conditions recommended by the Planning Board or requested by the Town Council. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions proposed by the Town before final action by the Town Council.
- E. Effect of Approval - If the conditional zoning petition is approved, the use of the property shall be governed by zoning requirements for the underlying district, the approved site plan for the Conditional Zoning District and any other approved conditions. These conditions shall be binding on the property as an amendment to the zoning map. The subject property shall be identified on the official Zoning map with the underlying general district followed by the letters "CD" (example "M1 CD").
- F. Alterations to Approval
- 1) Except as provided in subsection 2) below, changes to an approved Conditional Zoning District shall be treated the same as an amendment to the zoning map.
 - (a) The Town Manager shall have delegated authority to approve an administrative amendment to an approved site plan provided. The standard to be applied is that the change does not have a significant impact on abutting properties or significantly alter the site plan or its adopted conditions. An administrative amendment must be in writing and shall not be subject to a protest petition. The following limitations apply to administrative amendments:
 - Density increases are limited to: nonresidential development 10% of the approved requirement or 1000 square feet whichever; residential development 10% or no more than 5 dwelling units whichever is less.
 - Any amendments that propose adjusting a buffer or screening are limited to type and quantity of plant material such that the change in material or screening design shall be equal to or greater than that which was approved.

Secs. 3-6 – 3-9. Reserved.

DIVISION 3. DISTRICT BOUNDARIES

Sec. 3-10 Locations and Boundaries

- (a) The locations and boundaries of each of the zoning districts shall be shown on the map accompanying this Ordinance and made a part hereof, entitled "Official Zoning Map of the Town of Yanceyville, North Carolina," and adopted by the Town Council.
- (b) The official zoning map and all the notations, references and amendments thereto and other information shown thereon are made a part of this Ordinance. The official zoning map shall be kept in file in the office of the town clerk and shall be available for inspection for the public.

- (c) The official zoning map and any amendments shall be identified by the signature of the town clerk and shall bear the seal of the town, under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the Town of Yanceyville, North Carolina," together with the date of the adoption of the ordinance from which this chapter derives. (Ord. of 8-27-87, art. IV, § 2)

Sec. 3-11. Rules governing boundaries.

When uncertainty exists with respect to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. District boundary lines are intended to be along or parallel to property lines or lot lines of a platted addition and to the centerlines of streets, alleys, railroads, easements, other rights-of-way and creeks, streams or other water channels.
2. In the absence of specified distances on the map, dimensions or distances shall be determined by the use of the scale shown on the official zoning map.
3. The board of adjustment shall interpret the intent of the map as to the location of district boundaries upon appeal from decision of the zoning officer.
4. Where the district boundary of the FCLWS-CA district is indicated as being a one-half mile measured distance, such boundary shall be one-half mile measured from the normal pool elevation of Fullers Creek Lake. The normal pool elevation is 463.4 feet above mean sea level. In addition, in the Fullers Creek Lake watershed, the zoning enforcement officer shall adjust the exterior boundary of the watershed when he finds, based upon topographic evidence, that all or part of a piece of property actually lies outside the drainage area of the watershed. In performing this function, the zoning enforcement officer may require the owner to produce such information as the officer may deem necessary to make such finding. (Ord. of 8-27-87, art. IV, § 3; Ord. of 9-30-93, art. IV, § 3.4)

Sections 3-12 – 3-14 Reserved.

DIVISION 4. WATERSHED OVERLAY DISTRICTS

Sec. 3-15. Watershed overlay districts.

Watershed overlay districts are established to provide protection of the Fullers Creek Lake water supply consistent with the WS-II critical area and balance of watershed management rules as adopted by the state environmental management commission. (Ord. of 8-27-87, art. V, § 1; Ord. of 9-30-93, art. V, § 1.10)

Sec. 3-16. Definitions applicable to watershed overlay districts.

The following supplemental special definitions apply to the watershed overlay district

regulations:

Balance of watershed (BW) means the remainder of a watershed outside the critical area.

Best management practices (BMP) means a structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

Buffer means an area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Built-upon area includes that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, drives and parking areas, recreation facilities (e.g., tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

Critical area means the area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridgeline of the watershed, whichever comes first; or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river); or the ridgeline of the watershed, whichever comes first. Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Development means any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Sec. 3-17. General provisions applicable to both districts.

- (a) The construction of new roads and bridges and nonresidential development should minimize built-upon area, divert stormwater away from surface water supply waters as much as possible, and employ best management practices (BMPs) to minimize water quality impacts in the watershed overlay districts. To the extent practicable, the construction of new roads in the critical area should be avoided. The department of transportation BMPs as outlined in its document entitled "Best Management Practices for the Protection of Surface Waters" shall be used in all road and bridge construction projects in the watershed overlay districts.

- (b) All development activities within watershed overlay districts, in addition to those activities specifically regulated by this chapter, are subject to the standards, usage conditions and other regulations contained in the rules and requirements of the surface water supply protection rules adopted by the state environmental management commission.
- (c) A minimum 30-foot vegetative buffer for development activities is required along all perennial waters, including streams, rivers and impoundments, indicated on the most recent versions of the United States Geodetic Survey (USGS) 1:24,000 scale topographic maps, provided that a 100-foot buffer shall be required along Fullers Creek Lake. Nothing in this subsection shall prevent artificial streambank or shoreline stabilization. No new structures and public works projects such as road crossings and greenways may be allowed where no practicable alternative exists. These activities shall minimize built-upon surface area, shall direct runoff away from the surface water and shall maximize the utilization of BMPs.
- (d) Existing development, as defined in this chapter, is not subject to the requirements of the overlay provisions. Expansions to structures, other than single-family, classified as existing development must meet the requirements of these provisions; provided, however, the built-upon area of the existing development is not required to be included in the density calculations. In determining expansions to existing development, the maximum permitted additional built-upon area is derived by multiplying the area of the portion of the property that is not built upon by the appropriate percent built-upon limitation for the overlay district in which the property is located.
- (e) A preexisting lot created prior to the effective date of the ordinance from which this section derives, regardless of whether or not a vested right has been established, may be developed or redeveloped for single-family residential purposes without being subject to the restrictions of these overlay provisions.
- (f) Any existing building or built-upon area not in conformance with the limitations of these provisions that has been damaged or removed for any reason may be repaired and reconstructed, provided:
 - 1) Repair or reconstruction is initiated within 12 months and completed within two years of such damage or removal.
 - 2) The total amount of space devoted to built-upon area may not be increased.
 - 3) The repair or reconstruction is otherwise permitted under this chapter.
- (g) Clustering of development, if permitted by the underlying use district, is allowed on a project-by-project basis as follows: overall density of the project meets associated density or stormwater control requirements; built-upon areas are designed and sited to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow; remainder of tract to remain in vegetated or natural state.
- (h) No activity, situation, structure or land use shall be permitted or allowed to operate within a watershed which poses a threat to water quality and the public health, safety and welfare. Such

conditions may arise from inadequate on-site sewer systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff, or any other situation found to pose a threat to water quality.

- (i) The zoning enforcement officer may require such information of subdivision, zoning permit and development plan applications, including density/built-upon area calculations, as he may deem necessary to determine compliance with watershed overlay district provisions. Preliminary and final subdivision plat approval and other such plan approvals may be required to note density/built-upon limitations on the plat. For example, plats may be required to show such information as total area of the development, the amount and percent of impervious area in other public improvements, and the amount and percent of impervious area that is allocated to the various lots for future development. Such information shall be displayed in such a manner that the zoning enforcement officer can readily determine compliance with these provisions on a project-by-project basis.
- (j) The zoning enforcement officer may, prior to the issuance of any permit in a watershed overlay district, require evidence of a valid sedimentation control permit issued by the state or evidence satisfactory to the officer that no permit is required.
- (k) The zoning enforcement officer shall maintain records of the administration of the watershed overlay district regulations and shall submit any modifications of the regulations and map to the division of environmental management, division of environmental health and division of community assistance. The zoning enforcement officer shall also maintain a record of variances issued and shall submit an annual report of each project receiving a variance and the reason for the variance to the division of environmental management. (Ord. of 9-30-93, art. V, § 1.11)

Sec. 3-18. Fullers Creek Lake watershed critical area (FCLWS-CA).

- (a) *General development standards.* General development standards for the Fullers Creek Lake watershed critical area (FCLWS-CA) shall be as follows:
 - 1) No new sites for land application of sludge/residual or petroleum contaminated soils are allowed.
 - 2) No new landfills are allowed.
 - 3) Existing nonresidential development shall maintain an inventory of *all* toxic and hazardous materials and *shall* implement a spill/failure containment plan approved by the fire chief or his designated agent.
 - 4) No new use which uses, stores or manufactures hazardous or toxic materials on the premises shall be allowed.
 - 5) No new use which is first permitted in either the M-1 or M-2 manufacturing district shall be allowed.
 - 6) No new underground fuel or chemical storage tanks are allowed.

- (b) *Density/built-upon limitations.* Density/built-upon limitations shall be as follows:
- 1) Residential development *shall* not exceed one dwelling unit per two acres or, optionally, six percent built-upon area on a project-by-project basis.
 - 2) Nonresidential development *shall* not exceed six percent built-upon area on a project-by-project basis. (Ord. of 9-30-93, art. V, § 1.12)

Sec. 3-19. Fullers Creek Lake watershed balance of watershed (FCLWS-BW).

- (a) *General development standards.* General development standards for Fullers Creek Lake watershed balance of watershed (FCLWS-BW) shall be as follows:
- 1) No new discharging landfills are allowed.
 - 2) Existing nonresidential development shall maintain an inventory of all toxic and hazardous materials and shall implement a spill/failure containment plan approved by the fire chief or his designated agent.
- (b) *Density/built-upon limitations.* Density/built-upon limitations shall be as follows:
- 1) Residential development shall not exceed one dwelling unit per acre or, optionally, 12 percent built-upon area, on a project-by-project basis.
 - 2) Nonresidential development shall not exceed 12 percent built-upon area, on a project-by-project basis.
 - 3) Notwithstanding the limitations of subsection (b)(2) of this section, five percent (26 acres) of the FCLWS-BW area (520 acres) may be developed with new nonresidential development projects of up to 70 percent built-upon area as special nonresidential intensity allocations (SNIAs). SNIAs shall be allocated and developed in accordance with the following:
 - a. SNIAs shall be allocated by the zoning enforcement officer through the zoning permit/development plan process. The zoning enforcement officer shall maintain a record of the total acreage in the FCLWS-BW area eligible for SNIAs, the acreage that has been allocated and the acreage that has been used as of the latest date. In no case shall allocated acreage exceed the acreage eligible for allocation.
 - b. SNIAs shall be allocated on a first come, first served basis upon the approval and issuance of the appropriate permit, provided that no SNIA shall be allocated to a development unless it is served by or is to be served by town water and sewer service.
 - c. The right to develop a SNIA shall terminate with the loss of the right to develop due to the expiration of a zoning permit, zoning permit with vested right or building permit. In such a case, the allocated acreage or unused allocated acreage shall be returned to the unallocated total acreage eligible for allocation.
 - d. All SNIA development shall be located so that all stormwater from the development drains into an engineered stormwater control facility designed and constructed in accordance with all the requirements of section 3-20. (Ord. of 9-30-93, art. V, § 1.13)

Sec. 3-20. Exceeding basic density/built-upon limitations; permit to exceed.

- (a) *Conditions for compliance.* Development in the watershed overlay districts may exceed the basic density/built-upon limitations established in sections 3-18 and 3-19 upon the receipt of a permit to exceed from the zoning enforcement officer. No permit to exceed shall be issued except for development which is in conformance with the conditions and limitations in this section.
- (b) *Built-upon limitations.* In no case shall the built-upon area of any development, on a project-by-project basis, exceed the following limitations, and all development shall be calculated on a built-upon area basis only:
- 1) FCLWS-CA, 24 percent built-upon area.
 - 2) FCLWS-BW, 30 percent built-upon area.
- Nothing in this section, however, shall permit any development to exceed the maximum permissible lot coverage limitations for principal and accessory buildings as set forth in this chapter for use districts.
- (c) *Buffer.* A minimum 100-foot vegetative buffer is required for any new development activity which exceeds the basic density/built-upon limitations along all perennial waters indicated on the most recent versions of USGS 1:24,000 scale topographic maps. Nothing in this subsection shall prevent artificial streambank or shoreline stabilization. No new development is allowed in the buffer, except that water-dependent structures and public works projects such as road crossings, utilities and greenways may be allowed where no practicable alternatives exist. These activities shall minimize built-upon surface area, direct runoff away from surface water and maximize the use of BMPs.
- (d) *Development location.* All development which exceeds the basic density/built-upon limitations shall be located so that all stormwater from the development drains into an engineered stormwater control facility (referred to in this section as "facility") designed and constructed in conformance with the requirements of this section.
- (e) *Facility approval.* No permit to exceed shall be issued for any development until such facility is fully constructed and approved by the zoning enforcement officer or his agent to be capable of functioning in accordance with the requirements of this section, Prior to inspection by the zoning enforcement officer or his agent to determine compliance, the developer shall furnish a certification sealed by an engineer or landscape architect stating that the facility is complete and consistent with the approved plans and specifications.
- (f) *Facility requirements.* Engineered stormwater control facilities intended to serve development which exceed the basic density/built-upon limitations of this chapter shall conform with the following:
- 1) *Developer responsible for costs.* The developer or his designee shall be responsible for all costs associated with the construction, operation, maintenance and repair of any such facility.
 - 2) *Plans required.* No construction shall begin on any such facility until the construction, operation and maintenance and related plans have been submitted to and approved by

the zoning enforcement officer. The maintenance and operation plan shall specify the facility ownership plan and the entity to be responsible for maintenance, operation and repair. The plan shall designate sufficient area and access to perform inspections, maintenance, repairs and reconstruction. The plan shall also provide a cost estimate for routine and non-routine maintenance over a 20-year period. At the time the plans are submitted, the developer shall pay to the town a plan review and construction inspection fee as set by the town council.

- 3) *Design standards.* All stormwater control facilities shall use wet detention ponds as a primary treatment system. Wet detention ponds shall be designed for specific pollutant removal according to modeling techniques approved by the state division of environmental management. Specific requirements for these systems shall be in accordance with the following design criteria:
- a. Wet detention ponds shall be designed to remove 85 percent of total suspended solids in the permanent pool and store runoff from a one-inch rainfall from the watershed above the permanent pool, assuming maximum permitted development.
 - b. The designed runoff storage volume shall be above the permanent pool.
 - c. The discharge rate from these systems following the one-inch rainfall design storm shall be such that the runoff does not draw down to the permanent pool level in less than two days and that the pond is drawn down to the permanent pool level within at least five days.
 - d. The mean permanent pool depth shall be a minimum of three feet.
 - e. The inlet structure shall be designed to minimize turbulence using baffles or other appropriate design features.
 - f. Vegetative filters shall be constructed for the overflow and discharge of all stormwater wet detention ponds and shall be at least 30 feet in length. The slope and width of the vegetative filter shall be determined so as to provide a non-erosive velocity of flow through the filter for a ten-year, 24-hour storm with a ten-year, one-hour intensity with a slope of five percent or less. Vegetation in the filter shall be natural vegetation, grasses or artificially planted wetland vegetation appropriate for the site characteristics.
 - g. In addition to the vegetative filters required in subsection (f)(3)f of this section, all disturbed land areas outside of the pond shall be provided with a ground cover sufficient to restrain erosion within 30 days after any land disturbance. Upon completion of the stormwater control structure, a permanent ground cover shall be established and maintained as part of the maintenance and operations plan.

(g) Financial guarantee and maintenance agreement.

- (1) Before the zoning enforcement officer shall approve the completed facility and issue any permit to exceed, the developer or maintaining entity shall furnish the town with a financial guarantee ensuring future maintenance, operation and repair of the facility. The financial guarantee *shall* be in the form of cash, an irrevocable letter of credit or other instrument readily convertible to cash at face value and shall be deposited and made

- payable to the town. The amount of the deposit *shall* be equal to 40 percent of the total cost of constructing the facility. The initial cost estimates shall be the responsibility of the developer, but the approval of the final cost estimate shall be made by the zoning enforcement officer or his agent. At this time the developer or maintaining entity shall also pay to the town a fee as set by the town council to cover annual inspections by the town for 20 years.
- (2) The initial duration of the financial guarantee shall be for 20 years. At the end of that period the town may, at its own option, require extension of the guarantee for an additional period of up to 20 years based upon future maintenance cost or may take whatever lawful action it may deem appropriate at that time. The financial guarantee may be dissolved at any time in its lifetime by mutual agreement when the need for such guarantee no longer exists.
 - (3) The agreement shall pledge the financial guarantee in support of the agreement, but also shall acknowledge that default does not release the entity from liability/responsibility for operation, maintenance and repair/reconstruction. The agreement shall provide that for default by the operating entity, the town, at any time after default, may on its own motion assume actual maintenance and operation of the facility and convert for its use in maintenance and operation any and all funds remaining in the financial guarantee. The agreement shall be recorded with the appropriate county register of deeds by the zoning enforcement officer after it is executed by both parties. No changes to the agreement or its terms including ownership and responsible entity shall be made except upon agreement of the parties.
 - (4) As part of the financial guarantee, the developer or maintaining entity shall enter into a binding operation and maintenance agreement in a form acceptable to and enforceable by the town. Such agreement shall require the responsible entity to maintain, repair and, if necessary, reconstruct the facility in accordance with the approved operation and maintenance plan.
- (h) *Inspections.* The zoning enforcement officer or his agent shall inspect all facilities at least on an annual basis to determine whether the controls are performing as designed or intended and whether maintenance is being performed as required. Records of inspections shall be maintained on forms approved or supplied by the state division of environmental management. The first annual inspection shall be made during the 12 months following the date of certification.
- (i) *Failure to perform.* If the zoning enforcement officer should find that the facility is not performing as designed or intended or that maintenance and repairs are not being made as required or that any action is being done or not done that is in violation of this division or the agreement related to the facility, the zoning enforcement officer shall notify the responsible entity who shall be given a reasonable time to correct the defect. If the responsible entity fails to act, fails to act in a timely manner or otherwise fails to correct the defect, the zoning enforcement officer shall institute appropriate action to obtain compliance, including criminal or civil penalties or both. In addition, the town may declare the responsible entity in default of the agreement and financial guarantee and use part of all of the proceeds of the guarantee to correct

the defect and may assume actual operation and maintenance. Default in the agreement does not release the responsible entity from liability/responsibility for the. defect or release the entity from the agreement. Likewise, default in the agreement does not prevent the town from taking criminal or civil action or both. (Ord. of 9-30-93)

CHAPTER 4. TABLE OF PERMITTED USES

In the following table, zoning districts in which particular uses are permitted as a use by right are indicated by an "X." Districts in which particular uses are permitted as a use by right with certain conditions by an "X" with a reference to a note to this table in Section 4-21 Notes to Table of Permitted Uses. Districts in which particular uses are permitted by a Special Use Permit in accordance with Chapter 5 are indicated by an "S." Districts in which particular uses are prohibited are indicated by a blank.

<i>Permitted Uses</i>	<i>R-A</i>	<i>R-12</i>	<i>RR-8</i>	<i>R-8</i>	<i>R-MH</i>	<i>OI</i>	<i>B-1</i>	<i>H-B</i>	<i>M-1</i>	<i>M-2</i>	<i>Notes</i>
Accessory building, including but not limited to toolsheds, garages, guest houses.	X	X	X	X	X	X	X	X			
Accessory building, tiny house	S	S	S	S							
Adult establishments								S			
Agencies, including but not limited to travel brokers, insurance, loan, employment						X	X	X			
Agricultural uses	X										
Antiques and gift retail sales							X	X			
Animals and livestock (horses, cows, sheep and goats), as an accessory use on 1 or more acres	X										
Animals and livestock (chickens and bees as accessory use)	X	X	X	X							
Arts and craft and supply retail sales							X	X			
Assembling of electrical appliances, electronic instruments and devices, radios and phonographs, including electroplating; and the manufacturing of								X	X		

<i>Permitted Uses</i>	<i>R-A</i>	<i>R-12</i>	<i>RR-8</i>	<i>R-8</i>	<i>R-MH</i>	<i>OI</i>	<i>B-1</i>	<i>H-B</i>	<i>M-1</i>	<i>M-2</i>	<i>Notes</i>
small parts only such as coils, capacitors, transformers, crystal holders and the like											
Assisted living, nursing homes	S							S			
Athletic fields, recreational buildings, playgrounds (not for commercial gain); no automobile or motorcycle racing	X	X	X	X				X	X		
Auditoriums, indoor theaters, assembly halls						X	X	X	X		
Automobile accessories sales							X	X	X	X	
Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping, and similar uses										X	
Automobile repair shops including body and fender work conducted within a completely enclosed building								X	X	X	
Automobile sales, new and used								X	X	X	
Automobile carwash, part of retail service station							X	X	X	X	
Automobile carwash, freestanding							X	X	X	X	
Automobile parking lot serving uses permitted in district in which lot is located	X	X	X	X	X	X	X	X	X		
Automobile parking lot, commercial						X	X	X	X	X	
Automobile service station, not including outside storage of used, wrecked, inoperable or dismantled automobiles							X	X	X	X	

<i>Permitted Uses</i>	R-A	R-12	RR-8	R-8	R-MH	OI	B-1	H-B	M-1	M-2	Notes
Bakeries selling at retail products produced on premises							X	X	X	X	
Bakeries (commercial), bottling works								X	X	X	
Banks, savings and loan and similar financial institutions						X	X	X	X		
Bicycle and motorbike sales and repair								X	X		
Book and stationery stores							X	X			
Broadcasting studios, radio, TV							X	X	X	X	
Boardinghouse, rooming house, bed and breakfast	X			X		X	X	X			
Building supply sales with outdoor storage								X	X	X	See Note 6
Campgrounds and RV parks	S										
Churches, synagogues, temples and other places of worship, rectories, Sunday schools	X	X	X	X	X	X	X	X	X		
Cleaners and dyers							X	X	X	X	
Cleaners, self-service							X	X	X	X	
Clothing sales							X				
Clubs and lodges, private, nonprofit	S	S	S	S		X	X	X	X		
Coal, coke, wood lots									X	X	See Note 6
Community buildings, not for commercial gain	S	S	S	S	S	X	X	X	X	X	
Compartmentalized storage for individual storage of residential and commercial goods								X	X	X	
Condominiums (business)						S	S	S	S	S	
Contractor offices including outdoor storage								X	X	X	

<i>Permitted Uses</i>	R-A	R-12	RR-8	R-8	R-MH	OI	B-1	H-B	M-1	M-2	Notes
Craft studios (not a home occupation) AAAA							X	X			
Day care facilities	S	S	S	S		X	X	X			
Detention facility									X		
Drive-through restaurants, banks, cleaners, etc.								X	X	X	
Dwellings, one-family detached	X	X	X	X	X	X					
Dwellings, two-family (duplex)				X	X						
Dwellings, tiny house principal use, built to NC Residential Building Code	X	X	X	X							See Note 1
Dwellings, multifamily				X							
Dwellings, planned unit developments (PUD)	S	S	S	S							
Dwellings, condominiums				S							
Dwellings, townhouses				S							
Electrical shops								X	X	X	
Fairgrounds, carousels, roller coasters, Ferris wheels, super slides and the like								S	S	S	
Family care home (no more than 6 residents with disabilities; no closer than ½ mile from existing family care home) per GS 168-22	X	X	X	X							
Fences and walls	X	X	X	X	X	X	X	X	X	X	
Fitness centers							X	X	X		
Food trucks	X	X	X	X	X	X	X	X	X	X	
Foundry casting, lightweight, nonferrous metal not causing noxious fumes, noise or odors									X	X	
Funeral homes						X	X	X			

Permitted Uses	R-A	R-12	RR-8	R-8	R-MH	OI	B-1	H-B	M-1	M-2	Notes
Furniture, retail sales							X	X			
Gaming establishment							X	X			See Note 2
Gaming establishment, adult							X	X			See Note 3
Garbage landfills, incinerators	S									S	
Golf courses	X	X									
Golf, miniature								X	X		
Group home (6-10 residents with disabilities)	S			S			S				In B-1 only if in existing structure
Hardware and building materials, sales							X	X	X	X	
Home occupations	X	X	X	X	X	X					See Note 4
Hospitals	S					S		S			
Hotels, motels							X	X			
Junkyards										S	
Laboratories, medical, research							X	X	X		
Laundries							X	X	X		
Laundries, self-service					X		X	X	X		
Locksmiths and gunsmiths							X	X	X	X	
Machine shops									X	X	
Manufactured home, agricultural implements, heavy machinery sale, repair, rental or storage								X	X	X	
Manufactured home parks					S						
Manufactured housing on individual lot											
Class A	X	X	X	X	X						
Class B	X			X	X						
Manufacturing, packaging and assembly of goods; compounding, or treatment of articles or products										X	

<i>Permitted Uses</i>	R-A	R-12	RR-8	R-8	R-MH	OI	B-1	H-B	M-1	M-2	Notes
with no emissions of fumes, smoke or chemicals and no violations of noise standards. Commercial gasoline stations, including major service & repair shops											
Medical, dental, paramedical, chiropractor offices						X	X	X			
Metal shops involving fabrication of sheet-metal only									X	X	
Modular commercial buildings, certified as to construction and use by building inspector								X	X	X	See Note 5
Monument works, stone works									X	X	
Motels, hotels							X	X			
Movie studios	X										
Nightclubs							X	X			
Nurseries, greenhouses	X							X	X		
Nursing homes, assisted living	S							S			
Offices						X	X	X	X	X	
Open air sales; farmers' markets	X						X	X	X	X	
Outdoor sales, display, and service of vehicles, boats, heavy equipment and manufactured homes									X	X	
Outdoor storage, including outdoor storage of contractor and building material									X	X	
Parking lots as a principal use in residential districts where the lot is for use by a facility that is a permitted use in the district. The primary use and the	X	X	X	X							

<i>Permitted Uses</i>	R-A	R-12	RR-8	R-8	R-MH	OI	B-1	H-B	M-1	M-2	Notes
parking lot may have different zoning designations as long as they are residential.											
Photographic developing, processing							X	X	X	X	
Planing mills or sawmills										X	
Planned business developments (commercial)						S		S	S	S	
Planned unit developments	S	S	S	S							
Plant, horticultural sales indoor and outdoor								X	X	X	
Printing or binding shop								X	X	X	
Public buildings, libraries, fire stations, police stations	S	S	S	S	S	S	S	S	S	S	
Public parks, recreational facilities	X	X	X	X	X	X	X	X	X		
Public utility stations, water and sewer facilities, radio and television towers and transmitting or relay stations	S	S	S	S	S	S	S	S	S	S	
Recreational vehicles (RV's) parked on residential lot with current motor vehicle registration and license and not occupied as a residence	X	X	X	X							
Rehabilitation homes, such as halfway houses	S					S					
Repair and servicing of office and household equipment							X	X	X	X	
Restaurants							X	X			
Retail business, not otherwise listed							X	X			
RV Park; campgrounds	S										
Schools (academic), public or private	S	S	S	S		X		S	S	S	

<i>Permitted Uses</i>	R-A	R-12	RR-8	R-8	R-MH	OI	B-1	H-B	M-1	M-2	Notes
Schools (nonacademic) commercial, vocational, public or private, to include music and dance studios						X	X	X	X		
Service establishments, including but not limited to barbershops, small item repair, rental shops, custom fabrication, tailor shops, hair and nail salons							X	X			
Sheetmetal, roofing shops								X	X	X	
<i>Shelter</i> , emergency for up to 10 persons				X		X					
Shelter, transitional for up to 10 persons			X	X		X					
Shoe repair							X	X			
Shooting ranges, indoor commercial								S	S	S	
Signs	X	X	X	X	X	X	X	X	X	X	See Chapt. 5
Solar generating facilities									S		
Storage, outdoor as a principal use (not including junkyards)								X	X	X	See Note 6
Stores or shops, retail, not otherwise listed; but not automobile sales or repair							X	X			
Temporary buildings incidental to a construction project	X	X	X	X	X	X	X	X	X	X	See Note 7
Tobacco processing and storage									X	X	
Townhouses (business)						S	S	S	S		
Transportation terminals, freight								X	X	X	
Transportation terminals, passenger								X	X	X	
Upholstery, paper hanging, decorator shops							X	X	X		
Veterinary establishments						X		X	X	X	
Warehouses, temporary storage								X	X	X	

Sec 4-21. Notes to table of permitted uses.

The notes in this section provide regulations and conditions for certain uses which are unusual in their nature or complexity or are potentially incompatible with their surroundings unless special protective restrictions are applied. Each use listed shall comply with the regulations of the district in which it is located, with the requirements specified in this section, and conditions for uses requiring special use permits.

Note 1, Dwellings, tiny house as principal use - The house may be between 200 and 800 square feet in size. It must comply with N.C. Building Code requirements for a dwelling including but not limited to:

- a. It must have at least one habitable room no smaller than 120 square feet.
- b. Any additional rooms (separate bedrooms, etc.) must be at least 70 square feet each.
- c. Each dwelling must have a bathroom that includes a toilet, sink and shower or tub, and minimum clearances for each of those fixtures must be met. For estimation purposes, it is unlikely a bathroom could be much smaller than 40 square feet.
- d. Each dwelling must include a kitchen area with sink, but that area can be part of one of the other rooms (i.e., a studio or great room).
- e. Minimum of one egress door 36" x 78" side-hinged
- f. Minimum ceiling height for habitable rooms is 7 feet with no obstructions (light fixtures, beams, etc.) below 6 feet, 8 inches.
- g. Minimum of one emergency egress window in each sleeping area must meet all of the following: sill height max. 44 inches, minimum net clear operable area of 4 square feet, the minimum net clear opening height shall be 22 inches. The minimum net clear opening width shall be 20 inches.
- h. Any interior doors providing egress from habitable rooms shall have minimum dimensions of 30 x 78 inches.

There is no minimum size for a dwelling in North Carolina, but given the requirements above, Yanceyville requires a 200 square foot minimum size for a tiny house.

Note 2 – Gaming establishments - A gaming establishment may operate as a principle use when its primary use is to provide entertainment services to the general public in the form of electronic or conventional gaming units which provide either no reward to patrons or the possibility of rewards of limited value such as children's toys, games, or novelties when all rewards can be legally obtained and used by all ages and are not redeemable for cash or any other kind of compensation or services on or off premises, including on-line redemptions. Examples include, but are not limited to, traditional video game arcades and children's and family game centers, whether stand-alone or in conjunction with a restaurant or other permissible uses. This shall be considered a principal use when occupying more than fifty percent of the gross floor area of an establishment or being used by more than fifty percent of the

patrons at any time or representing more than fifty percent of the total sales of the establishment.

Note 3 – Gaming establishments, adult

- a. Adult gaming establishments may operate from 9:00 a.m. until 12:00 a.m. Monday through Saturday and 10:00 a.m. until 12:00 a.m. on Sundays. (revised during adoption 5/7/19)
- b. Adult gaming establishments shall not be located in the same building or on the same property where any public or private education facility, church, synagogue, temple, or any other religious building, bar, child care center, all residential dwellings, any general gaming establishment as a principal use, or any other existing adult gaming establishment is located. Adult gaming establishments shall also not be placed on properties within 200 feet of any of the aforementioned uses, measured from the closest point between the building housing the adult gaming establishment and the building housing the use from which the establishment must be distanced.
- c. *Adult gaming establishments are prohibited in or as a part of any check cashing facility.*
- d. All alcohol sales and consumption of alcohol is prohibited.
- e. No adult gaming establishment shall permit any person under the age of 18 to conduct games in the establishment or to supervise games in the establishment.
- f. The maximum number of terminals/computers/machines/gaming terminals and the maximum number of patrons using the electronic machines at one time shall be 20.
- g. The parking requirements for Indoor commercial recreation shall apply to all adult gaming establishments

Note 4 - Home Occupations.

- (1) A home occupation is permitted only as an incidental use inside of the home and is limited to the following:
 - a. The office or studio of an artist, musician, lawyer, teacher or other like professional person residing on the premises, provided no chattels or goods, wares or merchandise are commercially created, displayed, exchanged or sold.
 - b. Workshops.
 - c. Customary home occupations such as millinery, dressmaking, laundering or pressing and tailoring, conducted by a person residing on the premises.
 - d. Rooming or boarding of not more than two persons.
 - e. Single operator beauty shops and barbershops.
- (2) Home occupations listed in subsection (c)(1) of this section shall be permitted subject to the following limitations:

- a. No display of products shall be visible from the street.
- b. No mechanical or electronic equipment shall be installed or used except such as is normally used for domestic or professional purposes and which does not cause noises or other interference in radio and television reception.
 - a. C. No accessory buildings or outside storage shall be used in connection with the home occupation.
- c. Not over 25 percent of the total actual floor area or 400 square feet, whichever is less, shall be used for a home occupation.
- d. Only residents of the dwelling may be engaged in the home occupation.
- e. No odors, noise, dust or other objectionable effects shall be emitted to the outside of the building.

Note 5. - Modular Commercial Building – Must be certified by building inspector as meeting N.C. standards for modular commercial buildings.

Note 6. - Outdoor storage as accessory or principal use. Outdoor storage as an accessory use to a commercial enterprise or as a principal use such as building supply sales, wood or coal sales etc., is permitted only if the storage yard is enclosed by a fence not less than eight feet in height which completely screens from view the stored materials.

Note 7. - Temporary Construction Offices/Construction Equipment Storage/Real Estate Sales or Rental Offices -

- 1. A concurrent building permit is required for the permanent building that is under construction.
- 2. The office must be removed upon completion of the project, or when construction activities are halted for a period of 90 days or more.

CHAPTER 5 SPECIAL USES

Sec. 5-1. Objectives and purposes.

- (a) Permitting special uses adds flexibility to this chapter. Subject to high standards of planning and design, certain property uses are allowed in the several districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties.
- (b) The uses for which special use permits are required are listed in Section 5.3 Regulations for Special Use Permits along with a detailed description of the procedures which must be followed in the issuance of each such permit. Uses specified in this division, shall be permitted only upon the issuance of a special use permit. (Ord. of 8-27-87)

Sec. 5-2. Special use permits granted by town council on recommendation of planning board.

- (a) Special use permits may be granted by the town council for the uses enumerated in the Regulations for Special Uses in Section 5-3. The planning board shall have an opportunity to review and provide written comments on the application before the meeting at which the town council conducts a public hearing and renders a decision.
- (b) The owners of all the property included in the petition for a special use permit shall submit an application to the town clerk at least three weeks before the regular monthly planning board meeting at which it is to be considered. Such application shall include all of the requirements pertaining to it in this section.

After reviewing the application, the planning board shall forward the application and its recommendations to the town council within 30 days after its review unless the board requests and is granted an extension by the council. Failure to submit a recommendation within this period without an extension shall be deemed a favorable recommendation. The planning board's written recommendation shall focus on the standards set out in the ordinance for a special use permit and how those standards apply to the particular application. Public support or opposition shall not be a factor in the planning board's comments.

On receiving the recommendation of the planning board, the town council shall give notice of a public hearing on the application in the manner provided by G.S.160A-388 (a2). As provided by G.S. 160A-381(c), the hearing shall be quasi-judicial; and the council shall follow proceedings for an evidentiary hearing.

- (c) The town council shall consider the application, recommendations of the planning board and shall provide the applicant an opportunity to present evidence, cross examine witnesses

and present rebuttal evidence. Only those who would be directly and substantially affected by the decision may speak at the hearing.

- (d) At the conclusion of the hearing, the council may grant or deny the special use permit. As provided by G.S. 160A-388 (e2) the town council shall determine the facts based on competent, material and substantial evidence in the record.
- (e) The special use permit, if granted, shall include approval of plans as may be required and the following findings:
 - (1) The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
 - (2) The use meets all required conditions and specifications;
 - (3) The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity; and
 - (4) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the town and its environs.
- (f) The town council may make additional conditions, in addition to the findings as will , in its opinion, ensure that the use in its proposed location will be harmonious with the area in which it is proposed to be located and clearly in keeping with the public welfare. All such additional conditions shall be entered in the minutes of the meeting at which the special use permit is granted, on the special use permit certificate itself and on the approved plans submitted therewith. All specific conditions shall run with the land and shall be binding on the original applicants for the special use permit, their heirs, successors and assigns.
- (g) In addition to the conditions specifically imposed in this chapter and such further conditions as the town council may deem reasonable and appropriate, special uses shall comply with the height, area and parking regulations for the zoning district in which they are located. All special uses other than condominiums, townhouses, planned unit developments and planned building groups, commercial shall comply with yard regulations for the zone district where they are located. No structure in any planned unit development or planned building group shall be located closer than 25 feet to any external property line of the tract on which it is situated or closer to any street right-of-way line than the distance specified as a front yard requirement for the zone district in which it is located.
- (h) The decision shall be in writing, signed by the chair or other duly authorized member of the council and shall be filed with the town clerk.
- (i) Appeal. The decision of the council, as with any quasi-judicial decision, shall be subject to review by the superior court of Caswell County by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court within 30 days after the decision is effective.

- (j) For failure to comply with the plans approved by the town council or with any other conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to this chapter; provided, however, the town council shall not be prevented from thereafter rezoning the property for its most appropriate use.

- (k) Where plans are required to be submitted and approved as part of the application for a special use permit, modifications of the original plans may be authorized by the town council after review and recommendation by the planning board. (Ord. of 8-27-87)

Sec. 5-3. Regulations for special use permits.

Generally. Detailed regulations for the special uses subject to this division are set forth in the regulations for special uses and the notes related to those provisions in this section.

(a) Adult establishments

- (1) *Definition:* Adult establishment means an adult bookstore, an adult mini motion picture theatre, adult mini motion picture theatre, adult live entertainment business, or massage business as defined in Article 26A of G.S. 14.

- (2) *Special use district:* HB

- (3) *Location requirements.* No adult establishment shall be located within 500 feet of any zoning district boundary line of any office and institutional, restricted residential, residential and agricultural, and restricted manufacturing districts; and/or within 1,000 feet of a property line of any school, park, church, or similar place of religious service; and/or within one-half mile of any other adult establishment.

- (4) *Use.* No adult establishment shall be issued a zoning permit until any business license requirements or other town requirements have been met. Further, the establishment must comply with all requirements set forth in Article 26A of Chapter 14 (G.S.14-202.10 – G.S.14-202.12) as written or subsequently amended.

- (5) *Enclosed building.* The adult establishment must be conducted within an enclosed building so that viewing, display, or sound from inside the building cannot be experienced outside the walls of the building.

- (6) *Yard requirements.* Any building containing an adult establishment must be at least 50 feet from all property lines.

- (7) *Screening.* All adult establishments located adjacent to residential uses, must be

screened along all common property lines by the screening devise set forth in this Code.

(8) *Signage.* Signs shall comply with all requirements set forth in this Code. Further, signs shall not contain materials, words, objects, images or displays that suggest or relate to specified anatomical areas and/or specified sexual activities as defined by G.S. 14-202.10, or contain display that has been determined by community standards to be harmful to minors as defined by G.S. 14-190.13-15. (Ord. No. 5-99, 9-7-99)

(b) **Assisted living, nursing homes**

Special use district: R-A, HB

(See Chapter 1 *Definitions* for “congregate care” including assisted living and “nursing home”)

Minimum lot area. Minimum lot area of district in which located plus 1,000 square feet for each person to be accommodated.

Parking and loading. One space for each regular employee, plus one space for each four persons to be accommodated.

Plans required. Plans required must show the following:

- a. *Structures.* Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
- b. *Circulation.* Proposed points of access and egress and pattern of internal circulation.
- c. *Parking and loading.* Layout of parking spaces.

Other requirements. Must meet all requirements for licensing by the state. Where located in a residential district, there must be ample site area, adequate open space on all sides of the proposed structure and other considerations, including landscaping to the character of the neighborhood so that its residential nature will be preserved.

(c) **Campgrounds and RV parks**

Special use districts: RA

General Requirements:

- (1) The development area of a campground/RV park shall be a minimum of three acres. A minimum of three (3) tent or RV spaces shall be included within the campground/RV park.
- (2) No campsite shall be used as a permanent place of abode, dwelling, or business for indefinite periods of time. Continuous occupancy extending beyond any six

month period out of twelve months shall be presumed to be permanent occupancy.

- (3) Accessory uses shall be so designed and developed so as to blend with the park's design and natural setting. Such uses shall be clearly accessory to the principal use as a campground/recreational vehicle park. Accessory uses shall include management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to the operation of the park.
- (4) Conditions of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property to hazards.
- (5) Exposed ground surfaces in all parts of the recreational vehicle park shall be paved, or covered with stone screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. A soil sedimentation control plan shall be submitted in accordance with Section 5-5.
- (6) Surface drainage plans for the entire tract shall be reviewed to determine whether the proposed plan is compatible with the surrounding existing drainage pattern and relevant drainage plans, prior to issuance of site plan approval and building permits. No permit shall be issued where it is determined that the plan is incompatible with surrounding areas.

Dimensional Requirements:

- (1) Maximum density shall be limited to 15 campsites per net acre, excluding public areas, rights-of-way, watercourses, and other areas as may be set forth.
- (2) In no case shall any individual campsite contain less than 2,800 square feet. To the greatest extent possible, campsites shall be developed to preserve their natural character. The portion of the campsite intended to accommodate a recreational vehicle or tent shall be level and well drained.
- (3) Recreational vehicles shall be separated from each other and from other structures within the campground/RV park by at least 15 feet.

Access and Street Requirements:

No individual campsite shall have direct vehicular access to a public street. All campsites shall directly abut and have access to a private, interior road contained within the campground/RV park.

Parking Requirements:

- (1) Each campsite shall contain a stabilized vehicular parking pad of paving or other suitable material.

- (2) No more than one recreational vehicle may be parked on an individual campsite.

Utility Requirements:

- (1) Proposals for dumping stations and common toilets and restrooms, laundries, and baths shall have the approval and be subject to the requirements of the applicable Caswell County Health Department.
- (2) All water supply facilities shall have the approval of Caswell County and the NC Division of Health Services. All sewer facilities improvements shall have the approval of the Caswell County and the NC Division of Environmental Management.
- (3) All water and sewer improvements within the campground/RV park shall comply with the NC Building Code for Plumbing.

Screening Requirements:

Where campgrounds/RV parks abut a residential area, a permanent buffer yard of at least 50 feet shall be established with adequate restrictive covenants to prohibit development within the buffer yard. A natural year-round screen shall be planted, which at maturity, shall reach a minimum height of at least 8 feet. Such screening shall complement the adjacent environment.

Recreational Space Requirements - A minimum of 8 percent of the gross site area of the campground/RV park shall be set aside and developed as common use areas for open or enclosed recreation facilities.

(d) ***Clubs and lodges, private, nonprofit community buildings, not for commercial gain.***

- (1) *Special use districts.* R-A, R-12, RR-8, R-8.
- (2) *Minimum lot area.* Sufficient to meet setback and dimensional requirements of district where located.
- (3) *Parking and loading.* One space for each five members or families or one space for each five seats in principal room.
- (4) *Plans required.* Plans required must show the following:
 - a. *Structures.* Location and approximate size of all existing and proposed structures, playfields and facilities.
 - b. *Parking and loading.* Proposed off-street parking. See subsection (b)(6)b of this section.
- (5) *Other requirements.*
 - a. No improvements, structures, sidewalks or play areas or equipment shall be closer than 50 feet to any *adjoining* property lines. Parking areas may be permitted within 20 feet of an *adjoining* property line if the 20-foot strip is used for *planting* designed to grow at least six feet high.
 - b. Lights shall be located and shielded so as not to adversely affect adjacent property.

(e) **Condominiums, residential and business (unit ownership development)**

(1) *Plans and declarations.* Before a declaration establishing a unit ownership development may be recorded in the office of the county register of deeds as prescribed in the North Carolina Unit Ownership Act, the declaration and plan shall be approved by the town council. No unit shall be conveyed until the declaration and plan have been approved by the town council and recorded in the office of the county register of deeds. In addition, compliance with the following shall be required:

- a. The "declaration" shall be a complete legal document prepared in accordance with the North Carolina Unit Ownership Act and shall be submitted in five copies to the *town clerk* at least two weeks before a regularly scheduled *planning* board meeting, along with a plan drawing described below.
- b. The plan of the proposed development shall be prepared and shall contain the following particulars:
 1. The unit designation of each unit and a statement of its location, approximate area, number of rooms and immediate common area to which it has access and any other data necessary for its proper identification.
 2. Description of the general common areas and facilities as defined in the North Carolina Unit Ownership Act and the proportionate interest of each unit owner therein.
 3. Description of all boundary lines between portions of the structures designed for different ownership.
 4. Description of all garages, balconies, patios, etc., which form a part of each unit.
 5. Description of any special common areas and facilities, stating what units shall share the common areas and facilities and in what proportion.
 6. Statement of the purpose for which the building and each of the units are intended and restricted as to use.
 7. Description of signing and parking areas.
 8. Description and heights of all fences, walls and hedges.
 9. Description and location of solid waste storage facilities
 10. Description of all structures and zoning within 300 feet of the property.

The overall density of the project shall be no greater than that permitted by any applicable zoning requirements.

Because a final plan may not be possible until an engineering survey has been made of the constructed condominium, town council may permit the applicant to build under the special use permit, providing all items other than final engineering survey data of boundary line have been provided by the applicant and approved by the council. No declaration and plan shall

be recorded until all final boundary descriptions have been added to the plan and approved by the zoning enforcement officer.

(f) Day care facility (state licensed).

Special use districts: R-A, R-12, RR-8, R-8.

Minimum lot area. As prescribed by state regulations.

Parking and loading. One space for each regular employee and one additional space for every six children or adult client or fraction thereof.

Screening and fencing. Play space shall be enclosed by a fence at least three feet high.

Plans required. Plans required must show the following:

- a. *Structures.* Location and approximate size of existing and proposed buildings and structures within the site and on the lots adjacent thereto.
- b. *Circulation.* Proposed points of access and egress and pattern of internal circulation.
- c. *Parking and loading.* Layout of parking spaces.
- d. *Other details.* Location and extent of open play areas.
- e. *Other requirements.* In residential districts, a preschool shall not be operated between the hours of 7:00 p.m. and 6:00 a.m.

Parking. Off-street parking and loading shall be provided in accordance with Chapter 8.

Signs. Signs on premises shall be regulated as follows:

- a. Type of sign permitted: Identification.
- b. Permitted number of signs: One ground sign per entrance to the development. There shall be no more than one sign attached to and flat against the exterior of each business in the development.
- c. Maximum area of ground sign: 15 square feet.
- d. Permitted location: Within the bounds of the property.

(g) Fairgrounds, carousels, roller coasters, Ferris wheels, super slides and the like; garbage landfills, incinerators, junkyards.

Special use districts:

- a. Fairgrounds, etc., H-B, M-1, M-2.
- b. Garbage landfills, incinerators, R-A, M-1, M-2
- c. Junkyards, M-2

Minimum lot area. None.

Screening and fencing.

- a. Garbage landfills, incinerators and junkyards shall be entirely surrounded by a fence not less than eight feet high which completely screens the use from view and prevents public access except through a gate. In addition, where such uses abut a residential use, there shall also be a permanently maintained screen not less than eight feet high of dense plant material.
- b. Ferris wheels, carousels, roller coasters, super slides and the like shall be buffered from residential lots and uses by a permanently maintained screen not less than eight feet high of dense plant material.

Plans required. Plans required must show the following:

- a. Internal circulation pattern and provisions for parking.
- b. Control of noise, dust, traffic, visual impact.
- c. Signing (size and locations).
- d. Surrounding land uses within 500 feet of the property.
- e. Safeguards against contamination of water supply.

Other requirements. In junkyards storage of cars with gas or oil in them shall not be permitted.

(h) Group Homes

Special use districts: R-A, R-8, B-1 (in B-1 only if in existing building)

- a. Property Separation: A group home shall not be located within a 2,000-foot radius (measured by a straight line and not street distance) of another group home.
- b. Operation: The facility shall be limited to not more than six (6) persons plus resident managers.
- c. Screening: Parking lots shall be screened from adjoining residential uses by a thickly planted buffer that reaches a height of five (5) feet in three (3) years.
- d. Parking: Parking spaces shall be located on-site and located in the rear or to the side of the principal structure behind the building line.
- e. Location: The use shall be located and sited so as to mitigate adverse impacts on adjoining residential properties.

(i) Hospitals.

Special use districts. R-A, OI, H-B.

Minimum lot area. Minimum lot area of district in which located plus 1,000 square feet for each person to be accommodated.

Parking and loading. One space for each bed space.

Plans required. Plans required must show the following:

- a. *Structures.* Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
- b. *Circulation.* Proposed points of access and egress and pattern of internal circulation.
- c. *Parking and loading.* Layout of parking spaces.

Other requirements. Must meet all requirements for licensing by the state.

- (j) **Manufactured home park.** A manufactured home park is a plot which has been planned or improved for three or more manufactured homes for dwelling or sleeping purposes.

Special use district. R-MH.

Minimum lot size.

- a. For a single-wide manufactured home hooked to municipal water and sewer, 5,000 square feet.
- b. For a double-wide manufactured home hooked to municipal water and sewer systems, 6,000 square feet.
- c. For a triple-wide manufactured home hooked to municipal water and sewer, 7,000 square feet.
- d. Any and all lot sizes may be increased by the planning board to protect the public health, safety and welfare.

Density. Not to exceed seven units per gross acre.

Setbacks and separations.

- a. From the intersection of the park entrance road and a public street, 50-foot minimum setback.
- b. From the public street right-of-way, 25-foot minimum setback; 15 feet from the road edge of a private park street.
- c. Minimum clearance between any manufactured home unit and any property line or other piece of property, 15 feet.
- d. Minimum between any manufactured home and a nonresidential use allowed to operate within the park (e.g., convenience shop or Laundromat), 30 feet.
- e. Minimum separation between units, 30 feet. Units placed at obtuse or right angles will be allowed a minimum 20-foot separation.

Buffers. A greenbelt planting strip shall be planted and maintained by the park operator. It shall be at least ten feet wide composed of shrubs, deciduous or evergreen trees which will grow to a height of five feet or more after the first full growing season and which will grow to at least 12 feet at maturity.

Park entrance and streets.

- a. Manufactured home parks containing more than 25 spaces shall have at least two street connectors with a public street.
- b. All manufactured home parks shall be provided with a network of streets, roads or driveways that will allow safe and convenient vehicular access to an improved public street from each manufactured home lot, but no individual manufactured home within a park may have direct driveway access to an abutting public street.
- c. The intersection of the public street with the entranceway or private access road to the manufactured home park shall be designed to facilitate the free movement of traffic on the public street and to minimize the hazards caused by traffic entering or leaving the park development.

Signs.

- a. Signs shall be erected or curb markings painted to indicate that parking on the entranceway or private access road within 100 feet of its intersection with the public street is prohibited.
- b. A manufactured home park identification sign, which may be double faced, no larger than 16 square feet in area on each side and nonblinking may be placed near each entrance to the park, provided it is located so as not to obstruct the visibility of motorists entering or leaving the park.

Interior street system.

- a. Definitions.
 1. A collector street is one which serves as the most probable and convenient access route between any public street with street connectors to the manufactured home park and 30 manufactured home spaces.
 2. All other streets are considered minor streets.
- b. *Circulation.* The street system shall provide convenient circulation by means of minor streets and properly located collector streets. Dead-end streets shall be no longer than 1,000 feet, and their closed end shall have a turnaround such as a "T" or "Y" turn on a cul-de-sac with a minimum diameter of 60 feet.
- c. *Pavement widths.* In all cases, pavements shall meet the following minimum requirements:
 1. Collector streets with parking allowed on both sides, 32 feet.
 2. Collector streets without parking allowances, 24 feet.
 3. One-way minor streets serving less than 20 lots, with no parking allowed, 14 feet.
- d. *Street grades.* Grades of all streets shall be sufficient to ensure adequate surface drainage but shall not be more than eight percent. Short runs may have a maximum grade of 12 percent, if traffic safety is ensured.
- e. *Intersections.* Street intersections *shall* generally be at right angles. Off-sets at intersections and intersections of more than two streets at one point shall be avoided.

f. *Paving.*

1. Manufactured home parks containing more than ten spaces shall have streets which are paved with a hard surface, such as asphalt or concrete. The surface shall be kept free of cracks and holes, its edges suitably protected to prevent raveling and shifting of the base.
2. Streets in manufactured home parks containing ten or fewer spaces may be hard-packed crushed gravel, crowned to drain.

Parking.

- a. *Off-street parking.* A minimum of two off-street parking spaces shall be provided for each manufactured home site. Such spaces may be located on the individual lot or grouped to serve two or more manufactured home sites. Grouped parking spaces shall be no more than 100 feet from any manufactured home unit which they are intended to serve.
- b. *Storage space for auxiliary vehicles.* No travel trailer, camper, boat, snowmobile or other auxiliary vehicles or conveyances shall be stored for long periods on the street.

Maintenance and responsibilities of park management.

- a. The person to whom a special use permit for a manufactured home park is issued shall operate the park in compliance with local ordinances and shall provide adequate supervision to maintain the park, its grounds, facilities and equipment in good repair and in a clean and sanitary condition.
- b. The operator shall notify park occupants of all applicable provisions of local ordinances and inform them of their responsibilities under such ordinances and any regulations thereunder.
- c. The manufactured home park operator will check and ascertain that the owner of a manufactured home moving into his park has all the required permits and meets the regulations as set forth by the local and state governments before allowing the manufactured home unit to be connected for occupancy.
- d. The park operator shall supervise the placement of each manufactured home on its stand. This includes ensuring unit stability and supervising the placement of tiedowns and utility connections.
- e. The park operator shall maintain a register containing the names of all occupants and the make and year of each manufactured home. Such register shall be available to any authorized person inspecting the park.
- f. On January 1 of each year, the operator of a park renting space for one or more manufactured homes shall furnish to the county tax supervisor the name of the owner and a description of each manufactured home located in the park.

Support / foundation of manufactured home unit.

- a. Each manufactured home site, whether in a manufactured home park or individual lot, shall be provided with a stand which will give a firm base and adequate support. A manufactured home unit must be maintained level. Such stand shall have a dimension

- equal to the width and length of the home and any expansions or extensions thereto.
- b. Installation of any manufactured home in the town must comply with all "State of North Carolina Regulations for Manufactured Homes," including any amendments thereto, as published by the state department of insurance.

Fire safety.

- a. Access to a manufactured home for fire protection services shall be such as to permit fire apparatus to approach within 100 feet of each manufactured home.
- b. Water supplies for fire department operations shall be as required by the authority having jurisdiction. Where there are no such requirements, water supplies shall be adequate to permit the effective operation of at least two 1¹/₂-inch hose streams on any fire in a manufactured home or elsewhere in the manufactured home park.
- c. Each lot shall be clearly marked by a permanent lot number sign or marker that can be easily identified by emergency personnel.

Recreation areas.

- a. In all manufactured home parks designed to accommodate 25 or more manufactured homes on lots less than 10,000 square feet, there shall be provided one or more developed recreation areas which are easily accessible to all park residents. The size of such recreation areas shall be based on a minimum of 200 square feet per manufactured home unit served.
- b. Such space shall be located and of sufficient size so that it can be used for active recreation purposes and shall be stabilized by grass or some other form of ground cover which will prevent dusty or muddy areas.
- c. The 15-foot perimeter setback surrounding the park may be designated as either (i) part of the open space, or (ii) part of the individual lots. This option is to allow adaptation of a manufactured home community to a particular site.

Utilities and lighting.

- a. Electric lines shall be installed underground
- b. All manufactured home parks shall be furnished with adequate lights to illuminate streets, driveways and walkways for the safe movement of vehicles and pedestrians at night.
- c. The park operator may provide a common antenna and make hookups available at each space. The operator may prohibit individual antennas on manufactured homes.

Solid waste management.

- a. All solid waste shall be stored in durable rust-resistant, nonabsorbent, watertight insect proof and rodent proof containers that are covered with close-fitting lids. Solid waste storage facilities may be placed at individual home sites or grouped to several homes. Waste may be placed at individual home sites or grouped to several homes (bulk containers).

b. Solid waste shall be collected at least once weekly.

(k) **Nursing home.** See Assisted Living.

(l) **Planned unit development.** A planned unit development is an area of land under unified control to be developed as a single entity for a number and variety of dwelling units both attached and detached housing, the plan for which may not correspond in lot size, type of dwelling or lot coverage to the regulations of the residential zoning district in which the PUD is located. With permission of the town council, a planned unit development may also include an approved commercial or business use.

Special use districts. R-A, R-12, RR-8, R-8.

Minimum area: five acres, provided development is consistent with requirements for water and septic tank installation.

Modifications of dimensional requirements and density. The yard regulations and height regulations set forth in Chapter 7 may be modified for a planned unit development, provided that, for such development as a whole, excluding driveways and streets but including parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which such development is located. The development itself shall have a minimum frontage of 80 feet, which shall be used only for driveways, landscaping and screening.

Site considerations.

- a. Points of ingress and egress shall consist of a driveway or roadway at least 20 feet in width and *shall* be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
- b. The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.
- c. Parking areas shall have a paved surface, and all parking areas and traffic lanes shall be clearly marked.
- d. Storm and sanitary sewage shall be provided as approved by the planning board.
- e. A greenbelt planting strip, not less than 20 feet in width, shall be planted prior to opening of the housing, along the street side of the property. Such greenbelt shall be planted with evergreens and other trees, at least 11 plants per 100 linear feet planted at random, which eventually will grow to a height not less than 12 feet.
- f. Topographic or other natural features offering screening shall be acceptable in lieu of foliage. The greenbelt at the front of the property shall be located so as to provide reasonable continuity in alignment with the greenbelt of adjacent property.
- g. Adequate screening shall be provided by means of planting or fencing as needed to project adjacent property.

Homeowners' association. The developer shall submit a draft of the articles of

incorporation for the homeowners' association. The articles of incorporation shall provide that all owners of property within the development share automatic membership rights and assessment obligations for the maintenance of these areas. The automatic membership rights and assessment obligations of all owners of property within the PUD shall be so covered by covenants running with the land and other contractual provisions as to ensure the property maintenance of all commonly owned areas and shall include provisions for liens against the individual properties and legally enforceable personal obligations on the part of the individual property owners within the development. Before grant of a special use permit, the articles of incorporation shall be approved by, the town attorney.

Required plans. Plans as may be required shall be submitted showing:

- a. Topography of the site, at contour intervals no greater than five feet.
- b. Dimensions of the property and adjacent lots and streets.
- c. Location, use and ownership of all buildings, with dimensions and ground area thereof.
- d. Public and private streets, parking areas with spaces and channelization.
- e. All pedestrian ways.
- f. A title, giving the names of the developers, the date, the scale of the plan and the person preparing the plan.
- g. Proposed landscaping, with property buffers between other uses.
- h. Storm drainage and sanitary sewers, where applicable.
- i. Size and location of signs.
- j. Proposed water system and firefighting facilities such as hydrants or sprinkler connections.
- k. The location and heights of all fences, walls and hedges.
- l. Profiles of publicly maintained water and sewer lines
- m. Profiles, cross sections and slopes of on-site, off-site ditches carrying water runoff.
- n. Erosion and sedimentation control plan.
- o. Lighting plan where applicable.
- p. Location and amount of recreation area.

Common areas. Land not shown as lots or reserved for residential development shall be commonly owned land. Such land shall be designated on the development plan as common area to be held in separate ownership for the use and benefit of residents of the PUD.

Parking. Off-street parking and loading shall be provided in accordance with Chapter 8.

Signs. Signs on premises shall be regulated as follows:

- a. *Type of sign:* Identification.
- b. *Permitted number of signs:* One ground sign per entrance to the development.
- c. *Maximum area of ground sign:* 16 square feet.
- d. *Permitted illuminations:* Indirect lighting, non-flashing illumination and motionless.
- e. *Permitted location:* Within the bounds of the property.

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

Special use districts. OI, H-B, M-1, M-2.

Minimum area. One acre, 250-foot minimum plot width.

Site considerations.

- m. Such developments shall abut a major highway or a collector street and shall have direct access thereto.
- n. Minimum setback of buildings from the street right-of-way shall be 40 feet. This setback shall be measured from the major access street abutting the development. The first ten feet from the right-of-way shall be developed for grass, plants and sidewalks and shall not be used for any purpose except necessary entrances and exits and shall not be used for off-street parking.
- o. Points of ingress and egress shall consist of a driveway or roadway at least 20 feet in width and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
- p. The number, width and location of curb cuts shall be such as to minimize traffic hazards, inconvenience and congestion.
- q. Parking areas shall have a paved surface, and all parking areas and traffic lanes shall be clearly marked.
- r. Required buffers when planned business development adjoins or abuts a residential zone or residential use permitted by this chapter.
- s. A greenbelt planting strip, not less than ten feet in width, shall be planted prior to opening of the business along the side of the property abutting or joining a residential district. Such a greenbelt shall be planted at random with evergreens and other trees which eventually will grow to a height not less than ten feet.

Required plans. Plans shall be submitted as may be required, showing:

- a. Topography of the site, at contour intervals no greater than five feet.
- b. Dimensions of the property and adjacent lots and streets.
- c. Location and proposed use of all buildings with dimensions and ground area thereof.
- d. Streets, traffic circulation and parking areas with spaces.
- e. Service areas, off-street loading facilities, service drives and dimensions thereon.
- f. All pedestrian ways.
- g. A title, giving the names of the developers, the date, the scale of the plan and the person preparing the plan.
- h. Proposed landscaping, with property buffers between other uses.
- i. Size and location of signs.
- j. Proposed water system and firefighting facilities, such as hydrants or sprinkler

connections.

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

(n) Public buildings, libraries, fire stations, etc.

Special use districts: R-A, R-12, RR-8, R-8, R-MH, OI, B-1, H-B, M-1, M-2

Minimum lot area. Same as district where located.

Parking and loading. Plans shall show layout of parking spaces.

- a. Fire stations and other public buildings: One space for each person on normal shift
- b. Libraries, museums, art galleries: One space for each 15d square feet of gross floor area.

Screening and fencing. A screen of dense plant material not less than four feet high where any off-street parking abuts a residential lot.

Other requirements.

- a. Lighting shall be shielded so as to cast no direct light on adjacent property.
- b. For libraries, museums and art galleries, plans must be presented which show points of access and egress and pattern of internal circulation.

(o) Public utilities, including water and sewer facilities.

Special use districts. Any district.

Minimum lot area.

- a. One-half acre for public utility station.
- b. One acre for telephone exchange.
- c. Three acres for radio and television towers or stations.
- d. Eight thousand square feet for water and sewer facilities.

Parking and loading. One space for each two regular employees.

Screening and fencing. A screen of not less than six feet in height of dense plant material shall be provided where a lot abuts a residential lot. Substations shall be fenced in.

Plans required. Plans required must show the following:

- a. *Structures.* Location and approximate size of all existing and proposed structures

within the site and all buildings and structures within 500 feet.

- b. *Circulation.* Proposed points of access and egress.
- c. *Parking and loading.* Location and arrangement of all proposed off-street parking.
- d. *Other details.*
 - 1. Proposed provisions for fencing and other protective screening at the lot lines adjacent to abutting residential property.
 - 2. The anticipated service area of the facility to be constructed.

(p) Rehabilitation facility.

Special use districts. R-A, R-12, RR-8, 01.

Minimum lot area. According to zoning district where located.

Parking and loading. One space for every five temporary residents or fraction thereof, plus one parking space for each employee on the premises.

Other requirements.

- a. One sign permitted, not to exceed two square feet in area, which shall be flat mounted against the building or fence.
- b. All rehabilitation residences shall be licensed or sponsored by the appropriate state or local agency.
- c. The zoning lot on which one rehabilitation residence is proposed shall not be located within 500 feet of a zoning lot containing another such facility.

(q) Schools, academic.

Special use districts. R-A, R-12, RR-8, R-8, 01, H-B.

Parking and loading. See Chapter 8 for academic school parking requirements.

Plans required. Plans required must show the following:

- a. *Structures.* Location and approximate size of all existing and proposed buildings and structure within the site and on the lots adjacent thereto.
- b. *Circulation.* Proposed points of access and egress and pattern of internal circulation,
- c. *Parking and loading.* Layout of parking spaces.
- d. *Other details.*
 - 1. Location and extent of open recreation or training area.
 - 2. Estimated number of students.
 - 3. Subjects to be taught outside of regular classroom facilities (for example, in laboratories, gyms, etc.)

(r) Shooting ranges, indoor commercial

Special use districts: HB, M-1, M-2

The range must be located at least 200 feet from the property line of any of the following uses: existing residential, schools, day care, or religious assembly use.

The range must be located within a fully enclosed and soundproofed building.

Gunfire associated with the range must not be audible from any property

Additional criteria

- A. The firing range shall be constructed to a standard that is at least as stringent as all standards set forth in the National Rifle Association Range Source Book and any applicable federal or state regulations or guidelines.
- B. Lead particles shall at all times be contained on-site and properly contained and disposed of. Appropriate devices shall be utilized to contain lead bullets and/or shot, and such devices shall be periodically cleaned and lead particulates properly disposed of. Ventilation systems shall be designed, and other appropriate steps shall be taken, to prevent the discharge of lead from within the structure housing the indoor firing range into the external environment and to prevent the exposure of clients and employees to unsafe (as defined by applicable federal or state standards) levels of lead. The detection of lead in the external environment on the same property as the indoor firing range or off-site, or unsafe levels of lead within the structure housing the indoor firing range, shall be grounds for the revocation of a special use permit by the town.
- C. Noise levels generated by the discharge of firearms within an indoor firing range shall not be discernable in the external environment to be measured as follows:
 - 1. By a decibel meter of 85DB;
 - 2. Located on the same parcel of land as the range;
 - 3. Located at all entrances, windows, ventilation outlets, and any other outlet to the external environment;
 - 4. Located at any shared wall, on the opposite side of such wall from the range;
 - 5. Witnessed by an independent, third party engineer or other qualified professional.
- D. The applicant shall submit documentation from a licensed professional engineer with relevant experience, certifying that the range and the structure within which such range is to be housed has been designed to satisfy all requirements set forth above as well as any additional requirements adopted by the Town Council.

- E. At least one qualified individual in the sponsoring club or organization shall be certified (NRA or equivalent, or NC Criminal Justice standards) for shooting range supervision. Each facility shall adopt safety rules and regulations as determined by the sponsoring club or organization.

(s) Solar generation facility, utility scale.

Special Use District: M-1

Definition: As used in this special use ordinance, the following terms shall have the meanings indicated:

- a. *Solar Generation Facility, Utility Scale* - An installation, sometimes called a solar farm, designed and used to capture and convert solar energy into electric or thermal energy for use off-site, such as transmission to the power grid. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems.

General guidelines and requirements: The following provisions shall govern the issuance of special use permits for all Solar Generation Facilities:

- a. *Setbacks.* The perimeter (fencing) of the area containing the solar generation facility shall be located at least 100 feet from the property line of adjoining properties.
- b. *Security fencing.* The solar generation facility shall be enclosed by a chain-link security fence, a minimum of six feet in height with barbed wire.
- c. *Poles and lines.* Except for poles and lines necessary to connect the facility to the electrical utility grid, the height of structures and arrays associated with the facility shall not exceed 20 feet, and structures and arrays shall be set back at least 100 feet from every public road right-of-way.
- d. *Vegetative screening and buffers.* The screening or buffer yard shall be ten feet wide and consist of at least nine evergreen trees or shrubs per 100 linear feet or fraction thereof.
 - 1. The evergreen buffer must be capable of reaching a height of at least 6 feet within three years of planting, with at least 75% opacity at the time of planting.
 - 2. The screening or buffer shall be provided where the property on which the solar generation facility is located adjoins residential uses or public right of ways, unless the Town Council finds that equivalent natural vegetation exists sufficient to satisfy the screening requirement, or that the distance between the use and residences or public rights of ways renders all or certain portions of screening unnecessary.

- d. *Streets and roads.* Prior to construction, the developer of the site shall consult with NCDOT regarding necessary driveway location and improvements to ensure safety and to protect the public road or street from damage during construction and shall comply with such requirements.
- e. *Stormwater.* The site shall conform to applicable storm water regulations, including water supply watershed protection regulations and river basin rules, to prevent erosion and protect water quality in adjacent surface waters.
 - a. Before the site is developed, the applicant/developer shall consult with the NC Division of Water Quality concerning compliance with applicable stormwater management requirements.
- g. *Building and electrical code.* All active utility scale solar energy systems shall comply with the requirements of the North Carolina State Building Code and the National Electrical Code, current edition.
- h. *Site plan requirements* (shall be drawn by a licensed engineer or land surveyor)
 1. The location of the solar generation facility (including the arrangement of any existing or proposed buildings, structures, or panels);
 2. The distance from any proposed solar generation facility, structure, or use area to the surrounding property lines and surrounding residential structures within 1/8 mile (660 ft.).
 3. Any existing or proposed signs, fencing, lighting, parking areas, driveways, landscaping, vegetative screening or required buffers;
 4. Horizontal and vertical (elevation) scaled drawings with dimensions of proposed solar collector structures and lighting facilities;
 5. Noted limitations on built-upon area as required for compliance with storm water, watershed, and/or riparian buffer regulations;
 6. The electrical disconnect switch shall be clearly identified and unobstructed, and shall be noted clearly on the site plan; and
 7. Location where wiring is brought together for inter-connection to system components and/or the local utility power grid.
- i. *Noise level.* Inverter noise shall not exceed 50dBA after construction, measured at the property line.
- j. *Outdoor lighting.* All outdoor lighting shall be shielded to direct light and glare onto the system premises. Any glare by the system or outdoor lighting must be mitigated or directed away from adjoining property or adjacent roads when it creates a nuisance or safety hazard.
- k. *Decommissioning.* A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application.
 - Recording.* A copy of the decommissioning plan shall be recorded with the Caswell County Register of Deeds and a copy of the recorded document shall be submitted to the Town's Zoning Administrator prior to commencement of construction of the

solar generation facility.

General decommissioning requirements:

1. Defined conditions upon which decommissioning will be initiated (i.e. end of land lease, no power production for 12 months, etc.)
2. Removal of all equipment, conduit, structures, fencing, roads, and foundations.
3. Restoration & reforestation of property to condition prior to development of the solar generation facility.
4. The timeframe for completion of decommissioning activities.
5. Description of any agreement (e.g. lease) with landowner regarding decommissioning.
6. The party currently responsible for decommissioning.
7. Plans for updating this decommissioning plan.

Decommissioning Period. Decommissioning shall be completed within 12 months of determination by the Town Manager that the facility is no longer being maintained in an operable state of good repair, unless the current responsible party with ownership interest in the facility provides substantial evidence to the Town's Council of the intent to maintain and reinstate operation of the facility.

(t) Tiny house as an accessory use (See "Tiny House" in Definition Chapter 1)

Special use districts: R-A, R-12, RR-8 and R-8

General guidelines and requirements:

1. The owner of the property must occupy either the primary or the accessory dwelling.
2. Only one accessory dwelling per zoning lot is allowed.
3. The accessory dwelling must meet the setback requirements for the zoning district.
4. The heated floor area of the accessory dwelling must be at least 400 square feet in area, but it may not exceed 30% of the floor area of the primary dwelling.
5. Accessory dwellings smaller than 500 square feet of floor area must be separated by at least 5 feet from any other structure on the lot. Larger accessory dwellings must be separated by at least 10 feet from any structure.
6. If the accessory dwelling is proposed for location on a single-family property, the property must retain a single-family appearance from the street.
7. The accessory dwelling unit must be site built or labeled modular, either of which are required to meet the NC Residential Building Code including the foundation.

8. One additional off-street parking space must be provided.
9. Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling is prohibited.

(u) Townhouses (residential and business).

Special use districts. Residential townhouses, R-8
Business townhouses, OI, B-1, H-B, M-1.

Plats required. A preliminary plat of a proposed townhouse development and a final plat of the development shall be submitted pursuant to the provisions of the special use permit to the planning board with the following:

- a. *Location of facilities.* The site plan shall show the location of the buildings, streets, alleys, walks, parking areas, recreation areas and facilities, numbered and dimensioned residential sites, and common areas to be conveyed to an owners' association, the members of which shall be all of the owners of sites within the development.
- b. *Design standards.* The design standards for planned unit developments shall be applicable to townhouse developments and, in addition, compliance with the following shall be required:
 1. *Sites.* The site plan shall number and show the location and, dimensions of sites within the development. The site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a structure and shall be sufficient in size to contain the structure to be constructed thereon; the site may be of any larger size desired by the developer, provided that in no case shall a. site be located within 20 feet of any public right-of-way.
 2. *Common areas.* All areas on the site plan, other than public streets and sites, shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to the owners' association. Such common areas shall not be subdivided or conveyed by the owners' association.
- c. *Covenants and restrictions.* The developer shall file with the application for preliminary approval a declaration of covenants and restrictions governing the common areas, the owners' association and sites. The restrictions shall contain but not be limited to provisions for the following:
 1. The owners' association shall be organized and in legal existence prior to the sale of any structures in the development.
 2. Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a site.
 3. The owners' association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of facilities located on the

common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all structures located within the development. It shall be further provided that, upon default, by the owners' association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, which default shall continue for a period of six months, each owner of a site in the development shall become personally obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and assessments due to the governmental authority by the total number of sites in the development. If such sum is not paid by the owner within 30 days following receipt of notice of the amount due, such sum shall become a continuing lien on the site of the owner, his heirs, devisees, personal representatives and assigns, and the taxing or assessing governmental authority may: either bring an action at law against the owner personally obligated to pay the sum or may elect to foreclose the lien against the lot of the owner.

4. The owners' association shall be empowered to levy assessments against the owners of sites within the development for the payment of expenditures made by the owners' association for the items set forth in subsection (f)(3)b.3a of this section, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the site of the owner.
5. Easements over the common areas for access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a site.
6. All common walls between individual residences shall be party walls, and provisions for the maintenance thereof and restoration for destruction or damages shall be established.

- f. The overall density of the project shall be no greater than that permitted by any applicable zoning requirement.

(v) Tower, communication, radio, TV, microwave or other telecommunication tower.

Special use districts: RA, OI, HB, M-1

General: The following provisions shall govern the issuance of special use permits:

- a. Minimum lot or leased area set aside for the use of a tower facility, shall be equal to minimum lot size for district in which it is located and in no case shall be less than 100 percent of the fall zone of the tower and shall include all required buffers and setbacks as required by this subsection.
- b. Any information of an engineering nature that the applicant submits, whether

civil, mechanical, or electrical shall be certified by a licensed professional engineer.

Definitions: As used in this special use ordinance, the following terms shall have the meanings indicated:

- a. *Alternative tower structure* shall mean man-made trees, clock towers, bell steeples, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- b. *Antenna* shall mean any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.
- c. *FAA* shall mean the Federal Aviation Administration.
- d. *FCC* shall mean the Federal Communications Commission.
- e. *Fall zone* shall mean the radius around the base of the tower wall to the height of the tower.
- f. *Governing authority* shall mean the approving authority for the tower, the town council
- g. *Preexisting towers and antennas* shall have the meaning set forth in section (3)d. of this subsection.
- h. *Height* shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
- i. *Tower* shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Applicability:

- a. District height limitation. The requirements set forth in this subsection shall govern the location of towers that exceed, and antennas that are installed at a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.
- b. Public property antennas or towers located on property owned, leased, or otherwise controlled by the town shall be exempt from the requirements of this subsection, provided a license or lease authorizing such antenna or tower has been approved by the town council after a public hearing and notification of adjoining owners.
- c. Amateur radio, receive-only antennas. This subsection shall not govern any tower, or the installation of any antenna, that complies with the height requirement for the district in which it is located and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively

- for receive-only antennas.
- d. Pre-existing towers and antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this subsection shall not be required to meet the requirements of this subsection, other than the requirements of Sections (4)e. and (4)f. Any such towers or antennas shall be referred to in this subsection as "pre-existing towers" or "pre-existing antennas."

General guidelines and requirements:

- a. *Purpose, goals.* The purpose of this subsection is to establish guidelines for the siting of towers and antennas. The goals of this subsection are to:
 1. Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community;
 2. Encourage strongly the joint use of new and existing tower sites;
 3. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
 4. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and
 5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- b. *Principal or accessory use.* Antennas and towers may be considered either principal or accessory use. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development, regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this subsection shall not be deemed to constitute the expansion of a nonconforming use or structure,
- c. *Inventory of existing sites.* Each applicant for an administrative approval or a special use permit shall provide to the zoning administrator an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one mile of the border thereof, including specific information about the location, height, and design of each tower. Applicants are encouraged to submit an inventory of potential future tower sites within the jurisdiction of the town. The zoning administrator may share such information with other applicants applying for administrative approvals or special use permits under this subsection or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however, that the zoning administrator is not, by sharing such information, in any way representing or warranting that such sites

- are available or suitable.
- d. *Aesthetics lighting.* The guidelines set forth in this section (4)d. shall govern the location of all towers, and the installation of all antennas, governed by this subsection; provided, however, that the governing authority may waive these requirements if it determines that the goals of this subsection are better served thereby.
1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 2. At a tower site the design of the buildings and related structures shall to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority if lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- e. *Federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas, If such standards and regulations are changed, then the owners of the towers and antennas governed by this subsection shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Changes to the height or lighting requirements would require additional review by the planning board. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- f. *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards that are published by the Electronic Industries Association, as amended from time to time. If, upon notice being provided to the owner of the tower, the governing authority shall not issue a certificate of occupancy and power will not be permitted until such noncompliance's are corrected.
- g. *Coverage need.* Need of coverage shall be demonstrated by the wireless provider.

Specific development guidelines:

- a. *Information required.* Each applicant requesting a special ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculation, and other documentation, signed and sealed by appropriate licensed professional engineers, showing the following information:
 1. Location and dimensions of all improvements on lease or purchased area;
 2. Information concerning topography;
 3. Property lines of site;
 4. Radio frequency coverage;
 5. Tower height requirements;
 6. Setbacks;
 7. Proposed points of ingress and egress;
 8. Parking;
 9. Fencing;

- b. *Landscaping and buffers;*
 1. Adjacent uses within 500 feet of the tower tall zone;
 2. Proposed number of telecommunication carriers;
 3. Any other information deemed by the governing authority to be necessary to assess compliance with this subsection;
 4. Lease agreement signed by property owners (if applicable).

Factors considered in granting special use permits. The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this subsection are better served thereby:

1. Height of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress;
8. Availability of suitable existing towers and other structures as discussed in section (5)c. of this subsection; and
9. Co-location of other telecommunications carriers as discussed in section (5)d. of this subsection.

Availability of suitable existing towers or other structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing

authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna;
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt to an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable;
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

Co-location of other telecommunication carriers. All new towers or structures shall be designed to accommodate multiple carriers. The minimum number of carriers will be height dependent based on the following ranges:

1. One carrier for towers up to 90 feet in height;
2. Three carriers for towers from 90 to 120 feet in height;
3. Five or more carriers for towers over 120 feet in height;

Applicants shall agree to lease space at commercially reasonable rates and shall also make tower(s) available for use by county emergency service agencies at no charge to the county.

Setbacks and separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this subsection would be better served thereby.

1. Towers must be set back a distance equal to 100 percent the height or the tower from any occupied structure, flammable or explosive material or property line may be reduced to 50 percent of tower fall zone from the property line if an easement is obtained from the affected property owner. Also, to encourage the construction of monopole structures, monopole towers may have a 20 percent reduction in the required setbacks. To encourage location of towers in existing forested area with a minimum depth of 100 feet, the tower may have a 20 percent reduction in the required setbacks. In no case shall the setback be less

than those required for the underlying zoning district. Said setback reductions shall only be allowed upon a professional engineering certification which states that the structure's construction will cause the tower to crumble inward so that in the event of collapse no damage to structures adjacent zoning lots will result.

2. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
3. No tower shall be allowed within the airport hazard overlay district.
4. More than one tower may not be placed on a lot provided that it:
 - (i) Complies with the minimum setback requirements; and
 - (ii) It's fall zone does not overlay with the fall zone of another tower.

Security fencing. Towers, supporting cables anchors and any accessory buildings shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements, as it deems appropriate.

Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required provided however, that the governing authority may waive such requirements if the goals of this subsection would be better served thereby.

1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent property.
2. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots natural growth around the property perimeter may be a sufficient buffer.

Removal of abandoned antennas and towers: Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove same within 60 days. Applicants shall provide proof of a performance bond for the cost of removal of towers.

Administrative approvals. The following uses may be approved by the zoning administrator after conducting an administrative review:

- a. Installing an antenna on an existing nonresidential structure other than a tower (such as a building, sign, light pole, water tower, utility pole, or other free-standing nonresidential structure) in any commercial, industrial, highway business or manufacturing district that is less than 50 feet in height so long as such addition does not add more than ten feet to the height of the existing structure.
- b. Installing an antenna on an existing tower of any height, including a pre-existing

tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna so long as the addition of said antenna adds no more than 20 feet to the height of the existing tower.

- c. Replacing an existing tower which adds no more than ten feet to the overall height of the existing structure with only one replacement allowed.
- d. Installing an antenna on an existing structure other than a tower (such as a building, sign light pole, water tower, or other freestanding, nonresidential structure) that is more than 50 feet in height, so long as such addition does not add more than 20 feet to the height of the existing structure.

(Ord. of 8-27-87; Ord. No. 2-00, 5-2-00)

CHAPTER 6. SIGNS

DIVISION I. IN GENERAL

Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sign – Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names or trademarks by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity or product, which is visible from any public way and used to attract attention. (Ord. of 8-27-87, art. VI, § 2)

Attached Sign – Also known as a building-mounted sign; a sign hung from or affixed to the wall or roof of a building. Examples of Attached Signs include: awning signs, wall signs, projecting signs, roof signs, and suspended signs.

Bench Sign – A permanently located bench containing a message advertising a product or service.

Freestanding Sign - A sign which is attached to the ground on its own support and stands alone and is not attached to any other building or structure.

Ground Sign – A sign which extends from the ground, or has support which places the bottom of the sign less than two feet from the ground. A permanent A-frame sign is a type of Ground Sign.

Outdoor advertising sign (Billboard) – A sign which advertises an establishment, service, commodity, goods or entertainment sold or offered on-premises other than that on which the sign is located.

Pole banner sign - A sign consisting of a flexible banner or similar material (i.e., plastic, vinyl, etc.) secured to a single permanent pole.

Projecting sign – A sign attached to and supported by a building and extending beyond the building to which it is attached at a right angle.

Sandwich Sign – A portable temporary sign composed of two boards set up in a triangle shape hinged at the top

Suspended Sign - An attached sign that is suspended from the underside of a horizontal plane surface or arm, such as a canopy or marquee, and is supported by such surface.

Temporary sign: A non-electrified sign or banner placed on property in conjunction with an event of short duration and which sign is to be removed after the end of the event. If a sign structure is permanent but the message changes periodically, that sign shall not be regarded as temporary.

Wall sign – A sign that is attached to or painted on the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than fifteen (15) inches. A painted work of art or mural is not considered a wall sign.

Window Sign - A sign which is painted on, affixed to, or designed to be visible through a window, excluding displays of merchandise.

Sec. 5-2. Purpose and scope.

This chapter addresses the placement of signs within the town's jurisdiction for the following purposes: to promote traffic safety; to prevent business and advertising signs from conflicting with public safety signs; to ensure that permitted signs do not become a hazard or nuisance; to prevent the overcrowding of land; to facilitate fire and police protection; to protect and enhance the value of properties; to provide a pleasing overall environmental setting and good community appearance which is deemed vital to the continued economic attractiveness of the town; and to promote the public safety and welfare of the town. (Ord. No. 1-00, 2-1-00)

Sec. 6-3. Sign compliance.

- A. No sign shall be constructed, erected, modified, placed, maintained, or moved, except as authorized by this article.
- B. A zoning permit must be obtained before a sign is erected, modified, or moved on a zoning lot, unless otherwise provided in this Chapter.
- C. No sign shall be placed within a public right-of-way or within the sight triangle of a roadway intersection as would be determined by the state department of transportation, unless otherwise provided in this Chapter.
- D. Any sign authorized in this chapter is allowed to contain non-commercial copy in lieu of any other copy. (Ord. No. 1-00, 2-1-00)

Secs. 6-4 – 6-9 Reserved.

DIVISION II. SIGNS NOT REQUIRING A PERMIT

Sec. 6-10. Signs allowed without a permit.

The following signs shall be exempt from regulation under this chapter, regardless of whether they may be considered "signs".

1. Commemorative tablets or signs, historical or memorial markers or monuments, erected by or with the permission of the county board of commissioners, town council or the state department of transportation;
2. Official traffic control or other government signs;
3. On-premises directional, instructional or warning signs provided they contain no commercial message except a business logo or name and do not exceed four square feet in area or 3 feet in height;
4. Flags, emblems, or insignia of corporate, political, professional, fraternal, civic, religious, or educational organizations;
5. Lights and decorations with no commercial message temporarily displayed on traditionally adopted civic, patriotic or religious holidays;
6. Signs carried by people;
7. Signs located on the interior of buildings, courts, lobbies, stadiums or other structures which are not intended to be seen from the exterior of the structures.
8. Window signs painted on or attached to the interior of a window or glass door or inside a window.
9. Sandwich signs either at the doorway or in the parking lot of the business as long as they are folded and taken inside at the close of business and are put back outside when the business reopens.

Sec. 6-11. Certain temporary signs.

The following temporary signs do not require a zoning permit; provided they are not placed within the public road right-of-way, nor attached to any natural or man-made permanent structure located within a public right-of-way, including without limitation, trees, utility poles, or traffic control signs in a public right-of-way; and conform to the standards and provisions of this section and other applicable parts of this chapter.

1. Real estate signs. No real estate sign shall be placed without the permission of the owner.
2. Construction site and property improvement identification signs.
3. Seasonal agricultural signs. Such signs may be erected for the purpose of advertising and directing potential patrons to the seasonal sale of agricultural products produced and offered for sale at bona fide farming operation. Seasonal agricultural signs may be erected not sooner than 30 days before the normal sales or harvest season and must be removed within 30 days after the normal sales or harvest season.

4. Signs erected in connection with elections or political campaigns. Political signs shall not be erected on private property without permission of the owner; shall not be erected before the established filing date for an election or allowed to remain longer than ten days after the election.
5. Temporary special event signs or banners indicating that an event such as an athletic event, fair, carnival, circus festival, air show, fund raiser, or similar event is to take place. Such signs may be erected no sooner than 30 days before the event and must be removed no later than seven days after the event. The town manager or designee shall be notified before such signs are erected so that an account can be kept of the time they are displayed.
6. Temporary on-premises signs or banners not covered in the foregoing category as long as such signs: (a) are not displayed for longer than 60 consecutive days, limited to 3 special events per 12-month period, (b) are limited to three per zoning lot, and (c) do not exceed 4 sq. ft in residential districts and 32 sq. ft in commercial/industrial districts. The town manager or designee shall be notified before such signs are erected so that an account can be kept of the time they are displayed.
7. Yard sale sign. A sign not exceeding six square feet may be erected not sooner than two weeks before the event and must be removed not later than three days after the event.
8. Signs affixed to windows of vehicles displaying information on the terms of sale for said vehicles.

B. Unless otherwise stated herein, temporary signs shall not exceed 4 square feet in residential districts and 32 square feet in area per sign face or have more than one sign face per direction of travel or exceed six feet in height.

Secs. 6-12– 6-14 Reserved.

DIVISION III. SIGNS REQUIRING A PERMIT

Section 6-15. Application for a Permit required.

- A. A sign permit is required before any sign is displayed or erected unless this Article provides that no permit is required.
- B. An application for a sign permit must be filed with the Zoning Administrator on forms furnished by that department.
 - (1) The applicant must provide sufficient information to determine if the proposed sign is allowed under this code and other applicable laws, regulations, and ordinances.
 - (2) An application for a temporary sign must state the dates intended for the erection and removal of the sign, not to exceed 30 days.

- C. The application shall be accompanied by a fee set by the Town Council.
- D. The Zoning Administrator or designee must promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies.
- E. The Town may revoke a sign permit if the Zoning Administrator determines that the sign is not being properly maintained or has been abandoned.

Sec. 6-16. On-premises business identification and advertising signs.

- A. Considered accessory use - An on-premises sign identifying or advertising a business or service shall be an accessory use incidental to the principal land use.
- B. Freestanding sign - On-premises freestanding signs shall be permitted and shall comply with the following:
 - 1. *Area*. The maximum area of all freestanding on-premises signs shall be 300 square feet. The area shall mean the surface area of a sign as computed in accordance with section 6-23.
 - 2. *Height*. The maximum height of a freestanding on-premises sign shall be 30 feet. The height shall mean the height of a sign as determined in accordance with section 6-23 herein.
 - 3. *Setback*. An on-premises sign shall meet the minimum setback requirements in the minimum yard requirements in section Chapter 6.
 - 4. *Number permitted*.
 - i. One freestanding on-premises sign shall be permitted per street frontage of a zoning lot.
 - ii. A zoning lot with a freestanding sign (or two freestanding signs if fronting on two streets) is allowed the following additional types of signs: one wall sign and two additional signs in either the bench sign, ground sign or pole banner sign category.
- C. Wall signs - Wall signs are permitted on a zoning lot that has a freestanding sign.
- D. Pole banner sign - One flag, other than those exempt from regulation in Sec. 6-10 consisting of a flexible banner or similar material (i.e., plastic, vinyl, etc.) secured to a single permanent pole allowed for every 75' of lot frontage. Said flag shall not exceed 15 sq. ft. in area; and it shall be secured to single, permanent pole not exceeding 25' in height.
- E. Projecting sign - One projecting sign attached to a building in a perpendicular fashion in any business district shall be permitted provided the business does not have an area to place a freestanding sign. Ex: Downtown businesses that only have a sidewalk in front of their location. Projecting signs shall be acceptable as part of the overall allowed signage provided:
 - The sign area shall not exceed six square feet per side and 12 square feet in total.

- The signboard or bracket by which it is attached shall not project more than 36 inches from the wall.
- No part of the sign shall hang lower than eight feet above the ground or pedestrian walkway.
- The sign is mounted, attached and maintained in a secure manner.

F. This Section shall be deemed complied with if signs provided for herein are specifically included as part of the sign plan approved as condition of, or pursuant to a special use permit. (Ord. No. 1-00, 2-1-00)

Sec. 6-17. Home occupations.

A home occupation shall be permitted one professional or announcement sign per dwelling unit not exceeding six square feet in area. (Ord. No. 1-00, 2-1-00)

Sec. 6-18. Subdivision and multi-family development entrance signs.

At any entrance to a residential subdivision or multi-family development, there may be not more than two ground signs to identify or identifying such subdivision or development. A single face of any such sign may not exceed 16 square feet, nor may the total surface area of all such signs located at a single entrance exceed 32 square feet. (Ord. No. 1-00, 2-1-00)

Sec. 6-19. Industrial park entrance signs.

At any entrance to an industrial park, there may not be more than two ground signs identifying the park. A single face of any such sign may not exceed 100 square feet, nor may the total surface area of all such signs located at a single entrance exceed 160 square feet. (Ord. No. 1-00, 2-1-00)

Sec. 6-20. Off-premises directional signs

Off-premises directional signs shall conform to the standards of this article and shall be considered in violation if they do not meet the provisions of this Chapter. An off-premises directional sign shall not exceed 32 square feet in area per sign face, or have more than one sign face per directional flow of traffic, or no more than two sign faces per sign structure, or exceed six feet in height. Not more than three off-premises directional signs shall contain directions to the same business or activity. At the time the permit is applied for, the applicant shall provide written evidence of the owner's permission to place the sign on such property.

Sec. 6-21. Outdoor advertising signs.

Off-premises advertising signs are permitted in accordance with the following provisions:

1. Area. The maximum area of an off-premises advertising sign shall be 378 square feet per sign face, one sign face per directional flow of traffic. Signs may be back to back or "V-type" construction.

The area of the sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, ornamental base or trim.

2. Height. The maximum height of an off-premises advertising sign shall be 30 feet. Said 30 feet shall be measured from: (i) the higher of the unaltered grade of the terrain of the sign location or (ii) the elevation of the grade of the road shoulder perpendicular to the sign, which ever is higher, to the uppermost part of the sign or sign structure, whichever is higher.
3. Setback. An off-premises advertising sign shall comply with the following minimum setback requirements:
 - a. In office and institutional (OI), central business (B1), highway business (HB), an off-premises advertising sign shall be set back a minimum of 15 feet from the road right-of-way and 15 feet from the side property lines; and
 - b. In industrial (M-1, M-2) zoning district, an off-premises advertising sign shall be set back a minimum of 15 feet from the road right-of-way, and 50 feet from the side property lines.
4. Spacing from other off-premises advertising signs. No off-premises advertising sign shall be located closer than 1,400 feet from any other off-premises advertising. A sign on the opposite side of the road or highway shall not be located closer than 400 feet to an off-premises sign already erected. These distances are to be measured along the edge of the pavement between the closest points of the sign from a line drawn perpendicular to the edge of the pavement to the edge of the sign.
5. Spacing from other structures of land uses. No off-premises advertising sign shall be placed within 300 feet of any zoning lot used for a school or public park.
6. Allowed use. Notwithstanding other provisions of this chapter, off-premises advertising signs shall be allowed as a principal or accessory use incidental to the principal land use when erected in a highway business (HB), business (B-1), industrial (M-1, M-2) zoning district.
7. Most restrictive provisions apply. When or if any portion of this chapter is in conflict with any applicable state or federal regulations or statutes, the more restrictive provisions shall apply.
8. A property owner may not create a lot after that does not meet minimum lot size requirements for the purpose of placing an off-premises advertising sign on it.
9. Zoning permit required: The zoning permit shall be accompanied by a:

- a. Recorded survey plat or a survey prepared by a registered land surveyor, if available, showing accurate dimensions of the lot to be built upon and the proposed sign location;
In the absence of the above, the proposed sign location may be hand drawn on the applicable lot depicted on a copy of an official county tax map;
- b. Tax map reference number and parcel number of the lot to be built upon;
- c. To scale drawing of the proposed sign and sign structure; (Note: More detailed structural information may be required when applying for applicable permits (i.e., building, electrical) from the county inspection department. Pursuant to the state building code, the erector of the sign shall submit to the building official a design and stress diagram or plan, containing the necessary information to enable the building official to determine that such sign complies with all the regulations of the code.)
- d. Zoning permit fee.

Sec. 6-22. Sign illumination.

Signs must be effectively shielded to prevent beams or rays of light from being directed toward any portion of a traveled road, and must not be of such intensity or brilliance or glare or impair the vision of the driver of any motor vehicle or otherwise interferes with any driver's operation of a motor vehicle. No sign shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign device or signal. All illuminated signs or structures shall be placed so as to prevent the light rays or illumination from being cast directly on any residence. (Ord. No. 1-00, 2-1-00)

Sec. 6-23. Computations.

The area and height of a sign shall be computed as follows:

- (1) *Area of individual signs.* The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, ornamental base or trim.

If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

- (2) *Multi-faced signs—Computation of area.* For multi-faced signs, the sign area shall include all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when the backs for such sign faces are part of the same sign structure and are not than 42 inches apart, the sign area shall be computed by the measurement of one of the larger faces.

(3) *Height.* Height shall be measured from: (i) the higher of the unaltered grade of the terrain of the sign location or (ii) the elevation of the grade of the road shoulder perpendicular to the sign, which ever is higher, to the uppermost part of the sign or sign structure, which ever is higher. (Ord. No. 1-00, 2-1-00)

Sec. 6-24. Sign maintenance.

All sign supports, braces, poles, wires and other appurtenances of the sign or sign structure shall be kept in good repair, maintained in a safe condition, and shall conform to the standards in this section and the state building codes.

Maintenance of sign supports, braces, poles, wires and other appurtenances of the sign or sign structure and not the result of damage or destruction shall not require a zoning permit, provided the sign is not enlarged, moved, or altered in any manner which would create or increase a nonconforming condition.

A sign face shall be in a state of disrepair when more than 20 percent of its total surface is disfigured, cracked, ripped or peeling paint or poster paper, or any combination of these conditions.

No sign shall be allowed to stand with bent or broken sign facing, broken supports, loose appendages or struts.

No sign or sign structure shall be allowed to have weeds, vines or other vegetation growing on it and obscuring it from the road or highway from which it is intended to be viewed.

Sec. 6-25. Nonconforming signs.

All signs made nonconforming by this chapter, but which were lawfully established may continue provided that no such sign shall be: changed or replaced with another nonconforming sign except that copy may be changed on an existing sign; expanded; relocated except in conformance with the requirements of this chapter; reestablished after damage or destruction in excess of 60 percent of the fair market value immediately prior to the time of the damage or destruction; modified in any way which increase the sign's degree of nonconformity; or reestablished after the sign structure has been removed.

As soon as reasonably possible after the effective date of this amendment, the zoning administrator shall make every reasonable effort to identify all the nonconforming signs with the county's planning jurisdiction. (Ord. No. 1-00, 2-1-00)

Sec. 6-26. Prohibited signs.

The following signs are prohibited:

1. Any non-governmental sign which resembles a public safety warning or traffic sign;

2. Signs with animated, blinking, chasing, flashing or moving effects other than a display of time or temperature or to an alternate between time and temperature display;
3. Rotating or revolving signs;

Chapter 7 Area, Yard and Height Requirements

(See notes in Section 7.2)

Sec. 7.1 Table of Area, Yard, And Height Requirements for All Zoning Districts:

Minimum Yard Regulations

District	Minimum Lot Size Area in Sq. Ft.	Frontage at Building Line	Front Yard Setback in Feet	Rear Yard Depth in Feet	Side Yard Width in Feet	Maximum Height of Structure in Feet
R-20 Residential						
Single Unit	20,000	100	45	35	12(a)	35(b)
Nonresidential use	30,000	200	45	35	20(a)	35(b)
R-12 Residential						
Single unit	12,000	80	35	20	10(a)	35(b)
Nonresidential use	30,000	150	35	20	20(a)	35(b)
RR-8 Residential						
Single unit	8,000	80	35	20	10(a)	35(b)
Nonresidential use	20,000	120	35	20	10(a)	35(b)
R-8 Residential						
Single unit	8,000	80	35	20	10(a)	35(b)
		90	35	20	10(a)	35(b)
Double unit	13,000	90	35	20	10(a)	35(b)
Multifamily	13,000+3,000 for each unit over 2	90	35	20	10(a)	35(b)
Condominium	13,000 + 3,000 for each unit over 2	90	35	20	10(a)	35(b)
Townhouse						

District	Minimum Lot Size Area in Sq. Ft.	Frontage at Building Line	Front Yard Setback in Feet	Rear Yard Depth in Feet	Side Yard Width in Feet	Maximum Height of Structure in Feet
	13,000 + 3,000 for each unit over 2					
R-MH Residential Single unit	6,000	60	35	20	10(a)	35(b)
Duplex	9,000	70	35	20	10(a)	35(b)
Mfg. home parks	(See Chapt. 4 Sp Uses, Mfg Home Parks)					
OI office & institutional	8,000	80	20	20	10(a)	35(b)
B-1 business				(c)	(a) (c)	40(b)
H-B business		100	15	15(d)	15(d)	40(b)
M-1 industrial						
M industrial-2						

Note: Planned unit developments in residential areas do not have to meet minimum lot sizes. (Ord. of 8-27-87)

Sec. 7.2. Notes to table of area, yard and height requirements in Section 6.1

- (a) Corner lots must have an additional width of ten feet along the side street line in residential districts and a minimum of ten feet along the side street line in the B-1 district.
- (b) From the highest buildable portion of the lot.
- (c) Where the side or rear of a lot abuts a residential use, the abutting side or rear yard shall be at least ten feet wide, and it shall be densely planted with trees or shrubbery capable of reaching at

least ten feet in height.

- (d) Where the required side or rear yard abuts a residential use, there shall be a buffer densely planted with trees capable of reaching at least ten feet in height.
- (e) When abutting a residential use, add ten feet to required rear yard.
- (f) When abutting a residential use add 20 feet to required side yard. (Ord. of 8-27-87)

Sec. 7.3. Note 1, height limitations.

The height limitations of this chapter shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy or to monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flagpoles, radio towers, television towers, masts, aerials and similar structures.

(Ord. of 8-27-87)

Sec. 7.4. Note 2, visibility at intersections.

On a corner lot in any residential district, no planting, structure, fence, wall or obstruction to vision more than three feet high, measured from the centerline of the street, shall be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on the right-of-way lines, each of which is 25 feet from the point of intersection.

(Ord. of 8-27-87, art. V, § 4)

Sec. 7.5. Note 3, townhouses, condominiums.

For all townhouse and condominium developments, there shall be no more than eight units per building

(Ord. of 8-27-87; Ord. of 6-7-88)

CHAPTER 8. OFF-STREET PARKING AND LOADING

Sec. 8.1 Scope.

- (a) The requirements set forth in this chapter shall apply to all districts except the B-1 district.
- (b) For land, structures or uses developed, enlarged, expanded or changed, after the effective date of the ordinance from which this chapter derives, off-street parking shall be provided in accordance with the ratios contained in this chapter. If existing land uses are converted to another type of land use or classification by this chapter, compliance with the off-street ratios as contained in this chapter is required.
- (c) Off-street parking space (either garage or properly graded open space with a stable surface) and off-street loading space shall be provided in accordance with the following requirements in all classes of districts:
 - (1) Each applicant for a building permit or certificate of zoning compliance submitted to the building inspector shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress between such space and a street or alley. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this chapter are met.
 - (2) The certificate of occupancy for the use of any building, structure or land where off-street parking or loading space is required shall be withheld by the building inspector until requirements of this section are fully met. If at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.
 - (3) When parking or loading areas are provided adjacent to a public street, ingress or egress thereto shall be made only through driveways or openings not exceeding 25 feet in width at the curblin of the street, except where the town finds that a greater width is necessary to accommodate the vehicles customarily using the driveway. Detailed plans of all curb cuts and driveway openings shall be submitted to the town for staff approval.

(Ord. of 8-27-87, art. VII, § 1)

Sec. 8.2. Off-street parking.

- (a) No part of an off-street parking area required for any building or use for the purpose of complying with the off-street parking requirements in this chapter shall be included as part of any off-street parking area similarly required for another building or use, unless the times of usage of such buildings or uses will not be simultaneous.
- (b) Off-street parking space shall be located on the same lot as the use for which provided or on a separate lot within 200 feet of any entrance to the building, provided that such parking space land is owned by

the owner of the building or leased for the same period of time as the building.

- (c) The off-street parking requirements for two or more uses on the same lot may be combined and used jointly, provided that the parking space shall be adequate in area to provide the same total off-street parking requirements with all such uses.
- (d) No parking shall be provided that would necessitate the automobile backing onto any street right-of-way. Sufficient maneuvering space shall be provided on the lot to enable the motorist to enter all street rights-of-way in a forward direction.
- (e) All off-street parking spaces shall be provided with shield or bumper guards so located that no part of a parked vehicle will extend beyond the parking space onto any public right-of-way.
- (f) An off-street parking space shall not be less than the size required as follows for the angle parking shown:

Angle (degrees)	Stall width (feet)	Curb Length Per Car (feet)	Stall Depth (feet)
0	8	23.0	8.0
20	8	23.5	14.0
30	8	16.0	16.5
45	8	11.3	19.1
60	8	9.3	20.5
70	8	8.5	20.8
90	8	8.0	19.0

- (g) All multifamily dwellings with more than four units shall have parking areas graded and paved to town specifications.
- (h) Parking space required. The following parking ratios shall control, as applicable, in the zoning districts:

Auditoriums, stadiums and theaters	1 space for every 5 seats
Banks and financial services	1 space for every 200 square ft of gross floor area
Churches	1 space for every 4 seats in principal auditorium
Community or private swimming clubs	1 space for every 5 members or families
Drive-through services such as banks, dry cleaners, carwashes, etc.	Stacking for 4 vehicles at each bay window or lane
Dwelling unit having home barber or beauty shop	2 spaces other than for residential occupants
Hospitals	1 space for each bed space
Hotels motels	1 space for every guest room, plus 2 spaces per 3 employees on largest shift
Indoor commercial recreation (physical fitness centers, game rooms, etc.)	1 space for each 130 square feet of gross floor area devoted to s such use

Industries	1 space for every 2 employees during maximum employment and 1 space for every truck to be stored or stopped simultaneously
Institutions and clubs	1 space for each 5 seats in principal assembly room
Medical clinics	4 spaces for each doctor plus 1 space for each employee
Nursing homes, assisted living	1 space for each 4 persons to be accommodated, plus 1 space for each regular employee
Offices	1 space for every 250 square feet of gross floor area.
Personal services (barber shops, hair salons, business schools, dance studios, gyms)	2.5 spaces per operator or employee
Preschools	1 space for each regular employee and 1 additional space for every 6 children or fraction thereof
Residence, multifamily	2 spaces for each dwelling unit
Residence, multifamily for elderly & handicapped	0.75 spaces for each dwelling unit
Residence, single-family, two-family	2 spaces (may be in a single drive with 1 car behind the other)
Restaurants or other eating places	1 space for each 4 seats
Retail businesses	1 space for every 200 square feet of gross floor area; 1 space minimum
Roadside stands, new and used car sales, house and truck, trailer sales, outdoor machinery sales	4 spaces for each sales person on duty during period of average greatest employment, plus 1 space per each 2 other employees during period of average greatest employment
Rooming houses and boarding houses	1 space for each roomer, in addition to normal dwelling unit requirements
School, elementary and middle school	3 spaces for each room used for administrative offices, class instruction, or 1 space for each 6 seats in auditoriums and other places of assembly, or facilities available for the public, whichever is greater
School, senior high	7 spaces per classroom
Shopping center	5 spaces per 1,000 square feet of gross floor area (optional to computing parking on a store-by-store basis)
Wholesale establishments, warehouses and other businesses not catering to retail or package trade	1 space for every 3 employees during maximum employment and 1 space for every vehicle to be stored or stopped simultaneously

Special situations which are not covered by the ratios in this subsection shall be handled by the board of adjustment, which shall make the final determination as to the number of spaces to be required. In all cases the board shall give due consideration to the needs and space available and shall classify the proposed use in one of the categories listed in this subsection. (Ord. of 8-27-87, art. VII, § 2)

Sec. 8.3. Off-street loading.

(a) The duty to provide the off-street loading space required in this chapter shall be the joint responsibility of the owner and operator of the structure for which off-street loading space is required. The space shall be provided in accordance with the table in subsection (b) of this section, and all off-street loading spaces shall be designed so that the vehicles loading and unloading shall not rest upon or cross any public street or alley right-of-way. All off-street loading spaces shall be at least 12 feet wide, 40 feet long, and shall have an overhead clearance of 14 feet.

(b) Table of off-street loading space requirements:

Use Classification	Space Requirements
Retail operations with a total usable floor area of 20,000 sq. ft. or more devoted to such purposes; large shopping centers can use common loading zones for small shops if plan approved by town council	1 for each 20,000 square feet of floor area. In stores having over square feet of floor area, maximum requirements shall be 2 spaces per store area of 20,000 square feet
Retail operations and all first floor nonresidential uses with a gross floor area of less than 20,000 square feet and all wholesale and light industrial operations with a gross floor area of less than 10,000 square feet	1 space
Office buildings and hotels with a total usable floor area of 100,000 square feet or mores	1 space for each 100,000 square feet of floor area
Industrial and wholesale operations with a gross floor area of 10,000 sq. ft. or over: 10,000-40,000 square feet 40,000-100,000 100,000-160,000 160,000-240,000 240,000-320,000 320,000-400,000 Each 90,000 above 400,000	Minimum number of loading berths required: 1 2 3 4 5 6 1

Ord. of 8-27-87

CHAPTER 9. NONCONFORMANCES

Sec. 9.1. Continuation of nonconforming situations and completion of nonconforming projects.

- (a) Nonconforming situations that were otherwise lawful on the effective date of the ordinance from which this chapter derives may be continued, subject to the restrictions and qualifications set forth in sections 9.2 through 9.5.
- (b) Nonconforming projects may be completed only in accordance with section 9.3 (Ord. of 8-27-87)

Sec. 9.2. Lots.

- (a) When a nonconforming lot can be used in conformity with all of the regulations, other than the area or width requirements, applicable to the zoning district in which the lot is located, such a use may be made as of right. Otherwise, the nonconforming lot may be used only after a variance is applied for and granted by the board of adjustment. The board shall authorize such use if it finds that: (i) the proposed use is one permitted by the regulations applicable to the district in which the property is located, and (ii) the property can be developed as proposed without any significant negative impact on the surrounding property or the public health, safety or welfare. In issuing the permit authorized by this subsection, the board may allow deviations from applicable dimensional requirements, such as setback lines and yard size minimums, if it finds that no reasonable use of the property can be made without such deviations.
- (b) Whenever this chapter creates a nonconforming lot and the owner of the nonconforming lot also owns land adjacent to it and a portion of this other land can be combined with the nonconforming lot to create a conforming lot, without thereby creating other nonconformities, the owner of the nonconforming lot or his successor in interest may not take advantage of subsection (a) of this section.
(Ord. of 8-27-87)

Sec. 9.3. Extension or enlargement.

- (a) Except as specified in this section, nonconforming uses shall not be enlarged or extended in any way.
- (b) A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this chapter, was clearly designed or arranged to accommodate such use. A nonconforming use may be extended to additional buildings or to land outside the original building.
- (c) Any structure used for single-family residential purposes and maintained as a nonconforming

use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements. (Ord. of 8-27-87)

Sec. 9.4. Change in kind.

- (a) Under this chapter, a nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.
- (b) A nonconforming use may be changed to another nonconforming use only upon issuance of a special use permit by the board of adjustment. The board shall grant such authorization if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for. If a nonconforming use is changed to any use other than a conforming use without obtaining a special use permit pursuant to this subsection, that change shall constitute a discontinuance of the nonconforming use, and the property involved may thereafter be used only for conforming purposes. (Ord. of 8-27-87)

Sec. 9.5. Cessation.

Under this chapter, if active operations of a nonconforming use are discontinued for a continuous period of six months, the property involved shall thereafter be used only for a conforming use.
(Ord. of 8-27-87)

Sec. 9.6. Repair and alteration.

Under this chapter, normal maintenance and repair in a building occupied by a nonconforming use is permitted, provided it does not extend the nonconforming use, except as provided in Section 9.3
(Ord. of 8-27-87)

Sec. 9.7. Damage or destruction.

Any nonconforming building or any building containing a nonconforming use, which has been damaged by fire or other causes, may be reconstructed and used as before if it is done within two years of such damage, unless such building or structure has been declared by the building inspector to have been damaged to an extent exceeding 60 percent of its assessed value at the time of destruction. If the building is damaged to a degree greater than 60 percent, future use of the building or site must be in conformance with the zoning district regulations for the area.
(Ord. of 8-27-87)

Chapter 10. AMENDMENTS

Sec. 10.1. Authority.

The town council may amend, supplement or change the the Zoning Ordinance and zoning district lines according to the procedures in this chapter.

Sec. 10.2. Action by applicant.

The following actions shall be taken by the applicant for an amendment of the Zoning Ordinance or zoning district lines:

- (1) *Initiation of amendments.* Proposed changes may be initiated by the town council, planning board, board of adjustment, by one or more owners or lessees of property within the area proposed to be changed or affected or by any resident of the city.
- (2) *Application.* The application for any change shall clearly and fully describe the change requested and the names and addresses of the owners of the property. Such application shall be filed not later than two weeks ~~prior to~~ before the meeting of the planning board at which the application is to be considered.
- (3) *Fee.* A fee established by the town council shall be paid to the town from each application for a change to cover the costs of advertising and other administrative expense.
(Ord. of 8-27-87)

Sec. 10.3. Action by planning board.

The following action shall be taken by the planning board for amendment of ~~this chapter~~ the Zoning Ordinance or zoning district lines:

- (1) *Planning board consideration.* The planning board shall make recommendations to the town council at its next regular meeting concerning each proposed zoning change. The board shall have 45 days within which to submit its report. If the planning ~~and zoning~~ board fails to submit a report within the 45-day period, it shall be deemed to have approved the amendment. The planning board may hold separate public hearings or may sit concurrently with the public hearing held by the town council.
- (2) *Time limits of reconsideration.* No new petition for the same change in zoning of the same property or any part thereof shall be accepted within one year from the date of the filing of the last petition. However, the planning board shall reserve the right to waive the requirement, provided that the planning board determines that unusual circumstances or unnecessary hardships warrant a waiver.
(Ord. of 8-27-87)

Sec. 10.4. Action by town council.

The following actions shall be taken by the town council, for amendment of the Zoning Ordinance or any zoning district lines:

- (1) *Town council consideration.* The town council shall consider the proposed changes at the next regularly scheduled meeting of the town council following public notice.

- (2) *Notice of public hearing.* No amendment shall be adopted by the town council until after public notice and hearing. Notice of public hearing shall be published in a newspaper of general circulation in the town at least once each week for two successive weeks prior to hearing. Notice shall also be made by posting the property concerned and by mailing notices to the owners of surrounding property.

- (1) *Action.* Before taking such lawful action as it may deem advisable, the town council shall consider the planning board's recommendations on each proposed zoning amendment. This recommendation will contain all reasons considered in the deliberations of the planning board. Upon consideration by the town council, if the council rejects the recommendation of the planning board, it shall enter into the minutes the reasons for such rejection.

- (2) *Citizen Comments.* As provided by G.S. 160A-385(a) as written on hereafter amended, a resident or property owner in the town may submit a written statement regarding a proposed amendment, modification, or repeal the zoning ordinance to the clerk to the board at least two business days before the proposed vote on such change. The clerk to the board shall deliver such written statement to the town council.

CHAPTER 11. BOARD OF ADJUSTMENT

Sec. 11.1. Creation and Jurisdiction.

As provided by G.S. 160A-388 as currently written or subsequently amended, the town council shall serve as the board of adjustment for the town.

Sec. 11.2. Rules for Proceedings.

- (a) The board of adjustment shall hear and decide requests for variances and appeals of decisions of administrative officials charged with enforcement of the Zoning Ordinance.
- (b) The mayor shall serve as chair of the board of adjustment. A vice-chairman shall be elected from its members and shall serve for the same term of years as the chairman or until a successor is elected. The board shall appoint a secretary who may be a municipal officer, an employee of the town or a member of the board. Meetings of the board shall be held at the call of the chair and at such other times as the board may determine. The chair or in the absence of the chair the vice-chair may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public.
- (a) The concurring vote of four-fifths of the membership of the board of adjustment shall be required to overrule any decision of the zoning enforcement officer, building inspector or other town official empowered under this chapter, to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation of this chapter.
- (c) The board of adjustment shall follow quasi-judicial procedures when deciding appeals and requests for variances.
- (d) On all appeals, applications and other matters brought before the board of adjustment, the board shall inform in writing all the parties involved of its decisions and the reasons therefor.
(Ord. of 8-27-87)

Sec. 11.3. Appeals to Board.

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

- (b) The board of adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to it and shall give due notice thereof to the parties in interest and shall decide the matter within a reasonable time. Upon a hearing, any party may appeal in person or by agent or by attorney. (Ord. of 8-27-87)

Sec. 11.4 Stay of Proceedings.

Under this chapter, an appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the board of adjustment after the notice of appeal shall have been filed with him that, because of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the building inspector, and on due cause shown. (Ord. of 8-27-87)

Sec. 11.5. Powers.

The board of adjustment shall have the following powers:

- (1) Administrative review. The board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the zoning enforcement officer, building inspector or town official so empowered and in the enforcement of this chapter.
- (2) Special exceptions. The board shall hear and decide only such exceptions as the board of adjustment is specifically authorized to pass on by this chapter.
- (3) Variances.
 - a. The board shall authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. A variance from the terms of this chapter shall not be granted by the board of adjustment unless and until it shall make a finding that:
 - 1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - 2. The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare;
 - 3. Literal interpretation of the provisions of this chapter would deprive the applicant of a right commonly enjoyed by other properties in the same district under the terms of this chapter;

4. The special conditions and circumstances do not result from the actions of the applicant; and
 5. Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.
- b. The board of adjustment may authorize variances from the specific requirements of the watershed overlay districts in the same manner and subject to the same procedures and requirements of this section for authorizing other variances, provided that:
1. A notice of meeting involving the watershed overlay districts shall be mailed by first class mail to all other local governments having watershed regulation jurisdiction within the particular watershed where the variance is requested and to each entity using that water supply for consumption; and
 2. Favorable action by the board of adjustment on any major variance, as defined in this chapter, shall constitute a favorable recommendation, but such major variance shall not become effective unless authorized by the environmental management commission in accordance with their rules of procedure. Unfavorable action by the board of adjustment on a major variance shall constitute denial.
- (4) Construction. Upon granting of any favorable decision, special exception or variance resulting in the issuance of a building permit, the permit must be obtained and construction begun within 180 days of the date of the board of adjustment hearing, after which the decision of the board shall be null and void. (Ord. of 8-27-87, art. XI, § 5; Ord. of 9-30-93)

Sec. 11.6. Appeals from Decisions of Board.

Appeal from the decisions of the board of adjustment shall be to Superior Court of Caswell County. Such appeal must be made within 30 days after the filing of the board's decision with the Town Clerk. (Ord. of 8-27-87)