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ZONING ORDINANCE

CHOCOWINITY, NC

JUNE 1982

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THIS REPORT HAS BEEN PREPARED FOR THE RESIDENTS

OF

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ZONING ORDINANCE

OF THE

TOWN OF CHOCOWINITY, NORTH CAROLINA

ARTICLE I. TITLE, ENACTMENT AND PURPOSE

SECTION 1.01 - TITLE AND ENACTMENT

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY THE NORTH CAROLINA GENERAL STATUTES CHAPTER 160A, ARTICLE 19, FOR THE PURPOSES OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF ZONING DISTRICTS WITHIN THE TOWN; TO REGULATE WITHIN THOSE DISTRICTS THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE REQUIRED OPEN SPACE, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS AND OTHER STRUCTURES TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE; TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF, AND TO SUPERSEDE ANY ORDINANCES IN CONFLICT HEREWITH.

NOW THEREFORE, the Board of Commissioners of the Town of Chocowinity, North Carolina, does hereby ordain and enact into law the following Articles and Sections, this the_____day of_____, 1982.

SECTION 1.02 - SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance." The map herein referred to which is identified by the title "Official Zoning Map of Chocowinity, North Carolina," shall be known as the "Zoning Map."

SECTION 1.03 - PURPOSE

In accordance with the provisions of Chapter 160A, Article 19 of the General Statutes of North Carolina and for the purposes more fully set out in that Chapter, the Board of Commissioners of the Town of Chocowinity, North Carolina adopt this ordinance to provide for the orderly growth and development of the town.

ARTICLE II. ESTABLISHMENT OF ZONING DISTRICTS AND PROVISION FOR ZONING MAP

SECTION 2.01 - OFFICIAL ZONING MAP

For the purposes of this ordinance, the town is hereby divided into zones or districts as shown on the "Official Zoning Map of Chocowinity, North Carolina," which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor and attested by the Town Clerk and bearing the Seal of the town under the following words:

> "This is to certify that this is the Official Zoning Map referred to in Article II of the Zoning Ordinance of Chocowinity, North Carolina," together with the date of adoption of this ordinance,

If, in accordance with Article XI of this ordinance changes are made in district boundaries or other matter portrayed on the Official Zoning Map, those changes shall be promptly entered on the Official Zoning Map after the amendment has been approved by the Board of Commissioners.

Regardless of the existence of purported copies of this Official Zoning Map which may be made or published, the Official Zoning Map which shall be located in the Chocowinity Town Hall shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the town.

SECTION 2.02 - RULES GOVERNING THE INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways, railroad rights-of-way or alleys shall be construed to follow such center lines;

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(3) Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits;

(4) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;

(5) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

(6) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Adjustment shall interpret the district boundaries;

(7) Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the Board of Commissioners may permit, as conditional use, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

ARTICLE III. INTERPRETATION AND DEFINITION OF TERMS

For the purpose of this ordinance certain words or terms used herein shall be interpreted as follows:

SECTION 3.01 - INTERPRETATION OF COMMON WORDS AND TERMS

Words used in the present tense include the future tense.

Words used in the singular number shall include the plural and words used in the plural shall include the singular.

The word "person" includes a firm, co-partnership, company, organization, trust, association, or corporation as well as an individual.

The word "lot" includes the words "plot", "parcel", or "tract."

The word "building" includes the word "structure".

The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", arranged or designed to be used or occupied.

The word "shall" is always mandatory.

The word "may" is permissive.

SECTION 3.02 - DEFINITION OF SPECIFIC TERMS AND WORDS

Accessory Use: A use which is clearly incidental to and customarily found in connection with the principal use and located on the same lot with such principal use.

Alley: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Buffer Strip: A device of material, evergreen plantings and space used to provide sight and sound screening from adjoining properties.

The required height and width of the buffer strip and the materials used in its construction vary according to use. Where a buffer strip is required under the provisions of this ordinance, it shall meet the requirements of the Zoning Administrator.

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or public purposes.

Building, Accessory: A subordinate building consisting of walls and a roof, the use of which is clearly incidental to that of a principal building on the same lot. Accessory buildings may be placed in any rear or side yard but may be no closer than five (5) feet from any property line.

Building, Principal: A building in which is conducted the principal use of the lot on which it is located.

Building Setback Line: A line parallel to or concentric with the street right-of-way establishing the minimum allowable distance between such right-of-way and the nearest portion of any building, excluding the outermost three feet of any uncovered porches, steps, eaves, gutters and similar fixtures.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants together with individual ownership in fee of a particular dwelling unit in such building.

Drive-In Restaurant or Refreshment Stand: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling Unit: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for a single family.

Dwelling, Single-Family: A detached building designed for or occupied exclusively by one family.

Dwelling, Two-Family (Duplex): A detached building, divided horizontally or vertically, and designed for or occupied by two single-family housekeeping units contained entirely under one roof and having one dividing partition common to each unit, or having the ceiling structure of the lower unit the floor structure of the unit above.

Dwelling, Multiple: A building or portion of one used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses.

Family: One or more persons occupying a single family dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain more than five (5) persons.

Home Occupation: The accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods or services under the provisions of Section 7.07.

Lot: A parcel of land which fronts on and has ingress and egress by means of a public right-of-way or an approved private street and which is occupied or intended to be occupied by a building or groups of buildings as provided herein with the customary accessories and open spaces.

Lot Area: The total horizontal area included within lot lines exclusive of any right-of-way easements.

Lot, Corner: A lot of which at least two adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than 135 degrees.

Lot Depth: The average distance from the street line of the lot to its rear line measured in a general direction of the side lines of the lot.

Lot Lines: The lines bounding a lot as defined here.

a. Lot Line, Front: The line separating the lot from that street which is designated as the front street on the building permit, certificate of occupancy or subdivision plat.

b. Lot Line, Rear: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than 30 feet long and wholly within the lot.

c. Lot Line, Side: A side lot line is any lot boundary line not a front lot line or rear lot line.

Lot Width: The width of a lot at the required building setback line measured at right angles to its depth.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Medical Clinic: A building or structure or portion thereof where medical services are provided for out-patients only.

Mobile Home (Double-Wide and Triple-Wide Homes) - A modular unit built on a chassis, with body width exceeding 8 feet or body length exceeding 32 feet, designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities. A travel trailer is not to be considered as a mobile home.

Mobile Home Park: A parcel or tract of land under single ownership which has been planned and improved for the placement of mobile homes for dwelling purposes under the provisions of Section 7.04.

Modular Unit: A factory fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include pre-fabricated panels, trusses, plumbing trees, and other pre-fabricated sub-elements which are to be incorporated into a structure at the site.

Non-Conforming Use: A use of building or land which does not conform with the regulations of the district in which such building or land is situated but was lawful before adoption or amendment of this ordinance.

Open Space: An unoccupied space open to the sky.

Open Storage: Unroofed storage area, whether fenced or not.

Parking Space: A vehicular storage space of not less than ten (10) feet by twenty (20), plus the necessary access space. It shall always be located outside any dedicated right-of-way.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Townhouse: A single-family dwelling on its own individual lot but connected on two sides, by means of a common wall for at least ten (10) feet of its length, to two other single-family dwellings or an end dwelling of a row of such dwellings. No more than six (6) such dwelling units may be attached in a single group.

Trailer: Shall include any of the following:

A. Travel Trailer: a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, and, when factory equipped for the roads, it shall have a body width not exceeding eight (8) feet, and a body length not exceeding thirty-two (32) feet.

B. Pick-Up Coach: a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

C. Motor-Home: a portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

D. Camping Trailer: a folding structure of canvas or other material mounted on wheels and designed for travel, recreation, and vacation use.

Trailer Park: A parcel or tract of land under single ownership which has been planned and improved for this temporary placement of campers or trailers as a service to the traveling public. All trailer parks existing at the time of passage of this ordinance which do not meet the minimum requirements established for trailer parks by this ordinance shall be considered a non-conforming use.

Use: A "Use" is:

A. Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied, or;

B. Any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or other structure or on a tract of land,

Use, Conditional: A conditional use is a use that would not be appropriate generally or without restriction throughout a particular zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would preserve the intent of this ordinance to promote the public health, safety, morals, and general welfare. Specific provisions are made for conditional uses which may be permitted in certain zones and the procedures for application are set out in Article VII, Section 8.05 of this ordinance.

Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. In this ordinance a variance is authorized only for height, area, and size of structure or size of yards and open spaces. The establishment or expansion of the use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, provided however that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility or any other requirement of this ordinance, and further provided that customary accessory buildings may be located in any side or rear yard no closer than five (5) feet to any property line and subject to other limitations of this ordinance.

A. Yard, Front: A yard extending between side lot lines across the front of a lot adjoining the public street. Depth of required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear yard lines shall be essentially parallel.

B. Yard, Rear: A yard extending across the rear of the lot between side lot lines. Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

C. Yard, Side: A yard extending from the rear line of the required front yard to the rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

ARTICLE IV. APPLICATION OF REGULATIONS

SECTION 4.01 - TERRITORIAL APPLICATION

The provisions of this ordinance shall apply to all lands and structures and uses within the jurisdiction of the town as shown on the "Official Zoning Map of Chocowinity, North Carolina."

SECTION 4.02 - USE, OCCUPANCY AND CONSTRUCTION

After the effective date of this ordinance, no building, structure, or land shall be used or occupied, and no structure or part of a structure shall be constructed except in conformity with all of the regulations specified for the district in which it is located.

SECTION 4.03 - HEIGHT, BULK, DENSITY, LOT COVERAGE, YARDS AND OPEN SPACES

After the effective date of this ordinance, no building or other structure shall be erected or altered to exceed the height or bulk requirements of this ordinance; nor to accommodate a greater number of families than allowed by this ordinance; nor to occupy a greater percentage of lot area than allowed by this ordinance; nor to have narrower or smaller front yards, side yards, rear yards, or other open spaces than required by this ordinance; nor shall any building, structure or land be used in any other manner contrary to the provisions of this ordinance.

SECTION 4.04 - COMPUTATION OF REQUIRED SPACES

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

SECTION 4.05 - REDUCTION OF LOTS OR AREAS BELOW MINIMUM

No yard or lot existing at the effective date of this ordinance shall be reduced in dimension or area below the minimum requirements set forth in this ordinance.

Yards or lots created after the effective date of this ordinance shall meet at least the minimum established by this ordinance.

SECTION 4.06 - CLASSIFICATION OF ADDED TERRITORY

All territory not included under the provisions of this ordinance which are later added to the zoning jurisdiction of the town shall be considered to be in the R-2 Medium Density Residential classification until otherwise classified.

SECTION 4.07 - ONE PRINCIPAL BUILDING ON ANY LOT

Only one (1) principal building and its customary accessory buildings may be erected on any lot except as authorized in this ordinance for Group Development in Section 7.05.

SECTION 4.08 - LOT ACCESS REQUIREMENTS

All lots created after the passage of this ordinance must front on a publicly dedicated right-of-way. No structure requiring a building permit shall be erected on any lot which does not abut either a public right-of-way or a private street or easement at least 20 feet in width which was recorded by the County Register of Deeds prior to the effective date of this ordinance.

SECTION 4.09 - VISION CLEARANCE AT INTERSECTIONS

On a corner lot which abuts a state or town maintained right-of-way in any district no planting, structure, fence, wall or other obstruction to vision more than three (3) feet in height 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 those street lines each of which is twenty-five (25) feet distance from the point of intersection.

SECTION 4.10 - WALLS AND FENCES

The setback requirements of these regulations shall not prohibit any necessary retaining wall or prohibit any wall or fence. However, within or abutting any Residential District, no wall or fence shall exceed six (6) feet in height within a front or side yard and in any Business or Industrial District no fence shall exceed eight (8) feet in height.

SECTION 4.11 - STRUCTURE EXCLUDED FROM HEIGHT LIMITATIONS

The height limits of these regulations shall not apply to a church spire, belfry, cupola and dome or ornamental tower not intended for human occupancy, monument, water tower, observation tower, transmission tower, chimney, smoke stack, conveyor, flag pole, radio or television tower, mast or aerial, parapet wall not extended more than four (4) feet above the roof line of the building, and necessary mechanical appurtenances.

SECTION 4,12 - REDUCTION OF FRONT YARD SETBACK REQUIREMENTS

In any Residential District, where the average setback distance for existing buildings on all lots located wholly or partly within two-hundred (200) feet of any lot, and within the same zoning district and fronting on the same side of the same street as that lot, is less than the minimum setback required in the zoning district, the setback on that lot may be less than the required setback, but not less than the existing average setback distance for all lots within the two-hundred (200) feet and in no case shall the setback be less than fifteen (15) feet. When lots within two-hundred (200) feet are vacant, those vacant lots shall be considered as having the minimum required setback for the purpose of computing an average setback distance.

ARTICLE V. NON-CONFORMITIES

SECTION 5.01 - INTENT

Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

SECTION 5.02 - REGULATION OF NON-CONFORMITIES

(A) <u>Non-Conforming Lots of Record</u>

(1) In any district in which single-family dwellings are permitted, a single-family and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of this ordinance. The lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though the lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which the lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment as established in

Article X of this ordinance.

(2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance, and no portion of that parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this ordinance.

(B) Non-Conforming Uses of Land

Where, at the time of passage of this ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, and where the use involves no individual structure with a replacement cost exceeding $1,000, the use may be continued so long as it remains otherwise lawful, provided:

(1) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance;

(2) No such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of this ordinance;

(3) If any such non-conforming use of land ceases for any reason for a period of more than 30 days, any subsequent use of the land shall conform to the regulations specified by this ordinance for the district in which the land us located.

(4) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with any non-conforming use of land.

(C) Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, the structure may remain so long as it remains lawful, subject to the following provisions:

(1) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

(2) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means to an extent of more than 75 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

(3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(4) A non-conforming mobile home on an individual lot outside of a mobile home park may not be replaced except by a conforming dwelling. A non-conforming mobile home may not be enlarged or altered externally in any way.

(D) Non-Conforming Uses of Buildings or of Buildings and Premises In Combination

If lawful use involving individual buildings with a replacement cost of $1,000 or more, or of building and premises in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which is located;

(2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for that use at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building;

(3) If no structural alterations are made, any non-conforming structure or use of structures may be changed to any conforming use, or, with the approval of the Town Board of Commissioners, to any use more in character with uses permitted in the district. In permitting such a change, the Board of Commissioners must find that the proposed use is more appropriate or equally as appropriate to the district as the existing non-conforming use and shall require appropriate conditions and safeguards necessary to ensure that the change is in keeping with provisions and spirit of this ordinance.

(4) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;

(5) When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;

(6) Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

(E) Repairs and Maintenance

(1) On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased.

(2) If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.

(3) Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of that official.

(F) Uses Under Conditional Use Provisions Not Non-Conforming

Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE VI. SCHEDULE OF DISTRICT REGULATIONS

SECTION 6.01 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

A. Intent

The R-1 District is intended to encourage the development of permanent low-density residential neighborhoods. These districts are located primarily in areas which are protected from more intensive uses of the land.

B. Permitted Uses

The following uses shall be permitted by right:

1. Detached single-family dwellings

2. Duplexes

3. Customary accessory buildings including private swimming pools and tennis courts.

4. Mobile home provided it is blocked and anchored according to the N. C. Building Code for mobile homes in a hurricane area.

C. Conditional Uses Permitted

The following uses are permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Churches and cemeteries

2. Fire stations, schools and other public buildings

3. Home occupations under the provisions of Section 7.01

4. Mobile home parks under the provisions of Section 7.04

5. Non-commercial amphitheaters on sites of not less than five (5) acres

6. Private clubs on sites of not less than two (2) acres including boat launching areas, golf courses, tennis courts, community centers, libraries, picnic areas, and concessions integral thereto provided that there is no open commercial activity and no sign other than a directional sign is allowed.

7. Public utility facilities (must provide a vegetated buffer strip at least ten (10) feet in height where the facility abuts a residential lot or use).

8. Townhouse developments under the provisions of Section 7.05 with a density of not more than three (3) dwelling units per acre.

D. Dimensional Requirements for R-1 Low Density Residential Districts

1. Minimum lot size: 20,000 square feet
   Except that for a duplex unit lot size must be at least 30,000 square feet

2. Minimum lot width: 75 feet
   (measured at the building setback line)

3. Minimum front yard: 25 feet

4. Minimum side yard: 10 feet
   Except that the side yard adjacent to the street on a corner lot must be at least 20 feet

5. Minimum rear yard: 25 feet

6. Maximum allowable lot coverage by principal use and all accessory structures: 30%

7. Height limitation: 35 feet

SECTION 6.02 - R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

A. Intent

The R-2 District is intended to encourage the development of permanent moderate density residential neighborhoods. These districts are generally served by a higher level of public facilities including, at a minimum, public water, paved streets, and storm drainage.

B. Permitted Uses

The following uses shall be permitted by right:

1. Detached single-family dwellings (this includes double-wide and triple-wide mobile homes) designed to be used as a permanent dwelling with a permanent foundation and when connected to the required public facilities.

2. Customary accessory buildings including private swimming pools.

C. Conditional Uses Permitted

The following uses are permitted subject to the requirements of this district, additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Churches and cemeteries

2. Fire stations, schools, and other public buildings

3. Home occupations under the provisions of Section 7.07

4. Private clubs on sites of not less than two (2) acres including tennis courts, community centers, libraries, picnic areas, and concessions integral thereto provided that there is no open commercial activity and no sign other than a directional sign is allowed.

5. Public utility facilities (must provide a vegetated buffer strip at least ten (10) feet in height where the facility abuts a residential lot or use.)

D. Dimensional Requirements for R-2 Medium Density Residential District

1. Minimum lot size: 20,000 square feet. Except that if served by an approved public or community water or sewage disposal system, lot size may be reduced to 10,000 square feet.

2. Minimum lot width: 50 feet
(measured at the building setback line)

3. Minimum front yard: 15 feet

4. Minimum side yard: 10 feet
Except that a side yard adjacent to the street on a corner lot must be at least 15 feet

5. Minimum rear yard: 20 percent of lot depth. Except that no rear yard shall be required to exceed 20 feet in depth

6. Maximum allowable lot coverage by principal use and all accessory structures; 30 percent

7. Height limitation; 35 feet

SECTION 6.03 MOBILE HOME RESIDENTIAL DISTRICT

A. Intent

The Mobile Home Residential District is intended to allow the development of mobile home parks in the corporate limits while maintaining a reasonable population density and by providing unique requirements for this type of development. To this end, the site development and arrangement in relation to other areas together with the provision of associated facilities shall be an important consideration in achieving an attractive residential environment of sustained desirability,

B. Permitted Uses

The following shall be permitted by right:

1. Mobile Homes equipped with a water flushed toilet, lavatory, and bath or shower facilities

2. Customary Accessory Use. Accessory building and uses in association with the permitted dwellings including:

   a. A permanent dwelling for one (1) family, office and maintenance facilities for the operators of the Mobile Home Park

   b. Such other facilities including recreation as may be provided for the use and amenities of the occupants of the Mobile Home Park

C. Conditional Uses Permitted

The following use is permitted subject to the requirements of this district, additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Home occupations under the provisions of Section 7.07, Article VII

D. Dimensional Requirements for MHR Mobile Home Residential District

1. Refer to Section 7.04 - B (1-16), Article VII for Dimensional Requirements

SECTION 6.04 - B-1 GENERAL COMMERCIAL DISTRICT

A. Intent

The B-1 District is established to provide for a commercial trade and services area for the town. These regulations are designed to encourage the continued use of land for commercial purposes and to permit concentrated development of the district while maintaining a substantial relationship between the intensity of land use and the capacity of utilities and streets.

B. Permitted Uses

The following uses shall be permitted by right:

1. Office including:

   business, financial, governmental and medical

2. Retail stores including:

   (a) groceries, drugs, notions, fish, meat, clothing, antiques, hardware, upholstery, paints, furniture, mobile homes, plumbing fixtures, appliances, radio and tv, gunshops and mobile homes sales

3. Services

   (a) motels, banks, barber and beauty shops, shoe repair, laundry and dry cleaning repair and storage of automobile, and trucks, radio and tv broadcasting stations and towers, shoe repair, day care nursery and restaurants.

4. Service stations, apartment units only on the second floor of principle buildings containing a permitted or conditional use.

5. Customary Accessory Uses and Structures

C. Conditional Uses

The following uses shall be permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Public utility facilities

2. Churches and cemeteries

3. Fire stations, schools, and other public buildings

4. Group Development under the provisions of Section 7.05

D. Dimensional Requirements for Business Lots in the General Business District

1. Minimum lot size: Commercial lots shall be of sufficient size to meet the requirements of the County Health Department unless served by public water and sewer and to provide adequate siting for structures. In addition, a visual buffer is required where a commercial use or zone abuts a residential use or zone. Maximum height of the B-1 District will be 35 feet.

SECTION 6.05 - B-2 HIGHWAY COMMERCIAL DISTRICT

A. Intent

The B-2 District intent is to provide for an encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public and the reduction of highway congestion.

B. Permitted Uses

The following shall be permitted by right;

1. All uses permitted in the General Business District
2. Drive-in restaurants
3. New and use car sales
4. Amusement places, including open air drive-in theaters
5. Heavy and farm equipment sales and service
6. Automobile parts and accessories
7. Veterinaries and kennels
8. Building material sales
9. Boat and marine sales
10. Nursery and garden stores
11. Nursing homes

C. Conditional Uses

The following shall be permitted subject to the requirements of this district and additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Public utility facilities
2. Church and cemeteries
3. Fire stations, schools and other public buildings
4. Group Development under the provisions of Section 7.05.

D. Dimensional Requirements for B-2 Highway Commercial Districts

1. Minimum lot width shall be 75 feet with a minimum lot depth of 120 feet

2. Minimum front yard depth shall be 40 feet from the right-of-way of the street. The first 15 feet from the property line shall be developed for sidewalk, grass and plants, and shall not be used for any purpose except for the necessary drives and walks and shall not include off-street parking.

3. No side yard shall be required except where a lot abuts a residential district, a 15 foot side yard shall be required. In other cases where a side yard, not required is provided, it shall be at least 3 feet in width.

4. No sidewall is required if a commercial building is constructed with a commonwall.

5. No portion of any entrance driveway leading from a public street shall be closer than 20 feet to the corner of any intersection measured from the right-of-way line.

6. The width of any entrance driveway leading from the public street shall not exceed 36 feet at its intersection with curb or street line. No two (2) driveways leading from a public street shall be within 20 feet of each other measured along the full height of the curb.

7. On any corner lot there shall be no planting, structure, fence or other obstruction to visibility within the range of 3 to 7 feet above level within 25 feet of the intersection of any two (2) right-of-way lines.

SECTION 6.06 - LI - LIGHT INDUSTRIAL DISTRICT

A. Intent

The light industrial district is intended to create and protect areas for those industrial uses which do not create excessive noise, odor, smoke, dust, and which do not possess other objectionable characteristics which might be detrimental to surrounding neighborhoods or to the other uses permitted in the district.

B. Permitted Uses

1. Air conditioning and heating equipment manufacturing

2. Amusement, recreational and sporting goods manufacturing

3. Animal hospitals

4. Apparel and clothing manufacturing, including hosiery

5. Assembly halls, armories, coliseums, ballrooms and similar structures

6. Auction sales, except livestock

7. Automobile parking lots and structures

8. Automobile parts and accessories manufacturing

9. Bakeries, and other establishments manufacturing prepared food products for wholesale distribution

10. Building materials storage and sales yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height

11. Business machines manufacturing

12. Business signs and billboards, provided such are not located within fifty (50) feet of any residential district, provided further that not more than one (1) billboard structure shall be allowed per one-hundred (100) feet or less of lot frontage in single ownership with one (1) additional billboard structure allowed per additional one-hundred (100) feet of frontage.

13. Cabinet, casket, woodworking and upholstery shops

14. Coffee, tea and spices processing

15. Contractors' offices and storage yards, provided all open storage is fenced by a solid fence not less than six (6) feet in height

16. Dairy products processing and distributing facilities

17. Drugs, medicines and cosmetics manufacturing

18. Dry cleaning and laundry plants

19. Electrical appliances and electronic equipment manufacturing

20. Electrical supply houses and repair shops

21. Exterminators

22. Felt and sandpaper manufacturing

23. Flour and feed mills

24. Freezer lockers and ice plants

25. Greenhouses and horticultural nurseries

26. Hardware and housewares manufacturing

27. Heating and refrigeration shops

28. Industrial supplies and equipment, sales and service, provided all open storage is fenced by a solid fence not less than six (6) feet in height

29. Industrial trade schools and research laboratories

30. Laboratories for researching and testing of products, the manufacturing or processing of which is permitted in this district

31. Leather products, including luggage and shoe manufacturing

32. Light machine tool manufacturing

33. Machine and welding shops

34. Mobile home manufacturing and on-site display and sales

35. Monument works and sales

36. Motorcycle, lawnmowers, and power saw sales and service

37. Musical instrument manufacturing

38. Offices pertaining to any permitted use

39. Oilcloth and linoleum manufacturing

40. Pickle processing

41. Plumbing and heating supply houses, provided all open storage is fenced by a solid fence not less than six (6) fee in height

42. Pottery, procelain or vitreous china manufacturing

43. Precision instruments and jewelry manufacturing

44. Printing, engraving and publishing establishments

45. Public safety facilities such as fire and police stations and rescue squad

46. Public works and public utility facilities, including service and storage yards, provided they are fenced by a solid fence not less than six (6) feet in height

47. Rodenticides, insecticides and pesticides manufacturing

48. Service stations, including major repair work, provided that all gasoline pumps shall be located at least twelve (12) feet behind the property line

49. Sign painting and fabricating shops

50. Tire recapping shops

51. Trailer manufacturing

52. Trucking terminals

53. Vinegar and yeast manufacturing

54. Wholesale and warehousing establishments, except for the storage of dangerous or offensive items such as uncured hides and explosives

55. Wholesale storage of gasoline and oil products, including bottled gas and oxygen

56. Windows and doors manufacturing

57. Customary accessory uses and structures, including open storage, provided the area devoted to open storage is enclosed by a fence at least six (6) feet in height

58. Belting and brake linings, manufacturing

59. Boat and trailer works and sales

60. Bookbinding

61. Bottling works

62. Bowling alleys and skating rinks

6.3 Conditional Uses Permitted

The following uses are permitted subject to the requirements of this district and any additional regulations and requirements imposed by the Board of Commissioners as provided in Article VIII.

1. Manufacturing uses not otherwise named herein which come with the spirit or intent of this Zoning Ordinance

D. Dimensional Requirements for LI - Light Industrial Districts

1. Minimum lot area shall be one (1) acre

2. Minimum lot width shall be 200 feet

3. Minimum front yards shall be 50 feet

4. Minimum side yard on each side of every principal building shall be 15 feet

5. Minimum required rear yard shall be 20 feet

6. The total ground area covered by the principal building and all accessory buildings shall not exceed forty percent (40%) of the total lot area

7. No building shall exceed fifty (50) feet in height unless the depth of the front and total width of the side yards herein shall be increased by one (1) foot for each two (2) feet, or fraction thereof, of building height in excess of fifty (50) feet

8. Buildings constructed or converted to uses permitted in this district shall provide off-street loading and unloading space as required in Section 7.01 of this ordinance.

ARTICLE VII. GENERAL PROVISIONS AND SUPPLEMENTARY REGULATIONS

SECTION 7.01 - OFF-STREET PARKING REQUIREMENTS

At the time of erection of any structure, or at any time any structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another, permanent off-street parking space shall be provided according to the requirements of this ordinance.

A. General Provisions

1. Each parking space shall have a minimum length of twenty (20) feet and a minimum width of ten (10) feet. It shall have vehicular access to a publicly dedicated street.

2. With the exception of required spaces for single-family and two-family dwelling units, sufficient maneuvering space shall be provided so that no vehicle will be required to back into the public right-of-way.

3. No parking space for multi-family residential use shall be located in the required front yard.

4. Required off-street parking spaces are permanent areas and shall not be used for any other above ground purpose. Removal or elimination of a required parking space shall immediately revoke the occupancy permit of the use for which the parking space is required.

5. For uses not specifically mentioned, off-street parking requirements shall be applied by the Zoning Administrator based upon requirements for similar uses listed in this ordinance.

6. All space requirements which are based upon employment shall be computed on the basis of the greatest number of persons on duty at any one period during the day or night.

7. Each application for a building permit or certificate of occupancy submitted to the Zoning Administrator shall include information as the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Section are met.

8. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to the use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

9. If the off-street parking space required by this ordinance in any district except a Residential ordinance cannot be reasonably provided on the same lot on which the principal use is located, the space may be provided on any land within four hundred (400) feet of the main entrance to the principal use. That land shall be used for no other purpose so long as no other adequate provisions of parking space meeting the requirements of this ordinance have been made for the principal use. In such cases, the applicant for a permit for the principal use shall submit with his application for a building permit an instrument duly executed and acknowledge, which subjects the land to parking use in connection with the principal use for which it is made available for a period of 20 years with an option for renewal for an additional period of 20 years. The applicant shall cause the instrument to be registered in the Office of the County Register of Deeds.

10. Off-street parking space required by a use permitted in any Residential District shall be provided on the same lot with the use by which it is required. Off-street parking space in conjunction with commercial and industrial uses in other districts shall not be permitted in a Residential District.

B. Requirements for Parking Lots

Where parking space for five (5) or more cars is provided or required, the following provisions shall be complied with:

1. Yards - No parking lot shall be located closer than five (5) feet to a public right-of-way. The area between the parking lot and street right-of-way shall be planted and maintained in lawn or other appropriate planting, or shall be improved otherwise as approved in site plan review.

2. Curb Bumpers - The required front and side yards shall be set off from the parking area by a fixed curb of masonry or wood, not less than six (6) inches or more than two (2) feet high.

3. Lighting - Any lighting shall be so arranged as to direct the light and glare away from streets and adjacent property.

4. Surfacing - All parking lots shall be provided and maintained with a paved or gravel surface and with drainage facilities adequate to provide safe and convenient access in all weather conditions.

5. Drainage - Parking lot shall not drain onto or across public sidewalks, or into adjacent property except into a natural water course or a drainage easement.

6. Markings - Each parking space shall be marked off and maintained so as to be distinguishable.

7. Entrances - On all corner lots, no vehicular openings shall be located at closer than fifteen (15) feet from the point of intersection of the established street right-of-way lines. No entrance or exist on any lot shall exceed thirty (30) feet in width at the property line, or forty (40) feet at the curb line. There shall be a minimum distance between one-way driveways of twenty-five feet measured along the curb line.

8. Internal Circulation - The internal circulation plan of parking lots shall be approved by the Zoning Administrator.

C. Minimum Parking Requirements

The number of off-street parking spaces required by this section shall be provided on the same lot with the principal use except as provided in Subsection (A) (10) above, and the required number of off-street parking spaces specified for each use shall be considered as the absolute minimum. Accessory buildings shall be included with principal buildings in measurement of gross floor area for determining parking requirements. Gross floor area shall be measured from the outside walls of all structures. Where a fraction of a space is required by this ordinance the next whole number shall be provided. In addition, a developer shall evaluate his own needs to determine if they are greater than the minimum specified by this ordinance.

1. Residential and Related Uses	Required Parking
Single-family detached dwelling units and town houses:	Two (2) parking spaces for each dwelling unit.
Multi-family residence Group Housing Projects and Condominiums:	1.5 parking spaces on the same lot for each unit.
Hotel, Tourist home, motel, motor court, rooming or boarding house:	1.25 parking spaces for each room to be rented plus one (1) additional parking space for each three (3) employees.
Doctor's or dentist's office in own residence:	Three (3) parking spaces per doctor in addition to residence requirements.
Home Occupation:	One (1) parking space for each employee in addition to residence requirements.

2. Public and Institutional Uses	Required Parking
Hospital:	One (1) parking space for each two (2) beds intended for patient use, one (1) space for each resident physician and one (1) space for each two (2) employees.
Clinic:	Ten (10) parking spaces minimum plus five (5) parking spaces for each doctor assigned plus one (1) parking space for each employee.

Public and Institutional Uses	Required Parking
Nursing Home;	One (1) parking space for each five (5) beds intended for patient use, and one (1) space for each three (3) employees.
Churches;	One (1) parking space for each four (4) seats in the sanctuary.
Elementary School and Junior High School;	One (1) parking space for each classroom and administrative office.
Senior High School;	One (1) parking space for each five (5) students for which the building was designed plus one (1) parking space for each classroom and administrative office.
Stadium;	One (1) parking space for each three (3) spectator seats.
Auditorium or Amphitheater;	One (1) parking space for each three (3) seats.
Public or Private Clubs;	One (1) parking space for each two hundred (200) square feet of gross floor space.
Public Utility Buildings;	One (1) parking space for each employee. With customer service facilities, a minimum of five (5) additional spaces.

3. Retail and Office Uses	Required Parking
General or Professional Offices and Banks (other than doctors, dentists. See clinic req.)	One (1) parking space for each two hundred (200) square feet of gross floor space plus one (1) space for each two (2) employees.

Retail and Office Uses	Required Parking
Roadside stands, plant nurseries, outdoor concessions, sightseeing rides, automobile sales lots and similar activities involving outdoor display of merchandise or services:	Minimum of five (5) parking spaces and one (1) parking space for each five hundred (500) square feet of gross ground area exclusive of the area required for parking.
Marinas and boat rentals:	One (1) parking space for each boat slip or rental unit and one (1) space for each employee on the largest shift.
Restaurant, Cafe or Public Eating Place:	One (1) parking space for every three (3) customer seats, plus one (1) additional parking space for each three (3) employees.
Drive-In Restaurant or Refreshment Stand:	Thirty (30) parking spaces in addition to the requirements for a restaurant, cafe or public eating place.
Furniture, Appliance and Grocery Stores:	One (1) parking space for each five hundred (500) square feet of gross floor area.
Indoor entertainment facilities including bowling alleys, dance halls, skating rinks, amusement arcades and similar facilities:	One (1) parking space for each one hundred (100) square feet of gross floor area and one (1) additional space for each two (2) employees.
Outdoor entertainment facilities including amustment parks, miniature golf course, and similar facilities:	One (1) parking space for each one hundred (100) square feet of gross ground area exclusive of the area required for parking and buffering and one (1) additional space for each two (2) employees.

Retail and Office Uses	Required Parking
Theaters:	One (1) parking space for each three (3) seats in the auditorium.

Funeral Homes:	One (1) parking space for each four (4) seats in the chapel or parlor.
Retail uses not otherwise listed:	One (1) parking space for each two hundred (200) square feet of gross floor area, plus one (1) for each employee.

4. Wholesale Uses and Warehouses	Required Parking
Wholesale uses:	One (1) parking space for each employee on the largest shift.
Industrial use:	Two (2) parking spaces for each three (3) employees on the largest shift.

D. Off-Street Loading

Where off-street loading space is required under the dimensional requirements of a particular district, one or more loading berths shall be provided for standing, loading and unloading operations either inside or outside a building and on the same or adjoining premises with every building erected after the enactment of this ordinance in accordance with the requirements of the following table. A loading berth shall have minimum plan dimensions of 12 feet by 25 feet and a 14 foot overhead clearance. A loading space need not be necessarily a full berth but shall be sufficient to allow normal loading and unloading operations appropriate to the property served. The Zoning Administrator shall determine the sufficiency of loading space but in no case shall the use of such space hinder the free movement of vehicles and pedestrains over a street, sidewalk or alley.

Use Classification	Space Requirements
Retail operation, including restaurant and dining facilities within hotels and office buildings, with a total usable floor area of 20,000 square feet or more devoted to that purpose.	One (1) loading berth for every 20,000 square feet of floor area.

Retail operations, and all first floor non-residential 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.	A loading space (not necessarily a full berth) as defined in this Section next above.
Office buildings and hotels with a total usable area of 100,000 square feet or more devoted to such purposes.	One (1) loading berth for every 10,000 square feet of floor area.
Industrial and wholesale operations with a gross floor area of 10,000 square feet or over and as follows:	Minimum number of loading berths required:

10,000 - 40,000 square feet ----	1
40,000 - 100,000 square feet ----	2
100,000 - 160,000 square feet ----	3
160,000 - 240,000 square feet ----	4
240,000 - 320,000 square feet ----	5
320,000 - 400,000 square feet ----	6
Each 90,000 square feet above 400,000 square feet ----------	1

SECTION 7.02 - REGULATIONS GOVERNING SIGNS

A. Definition

(1) For the purposes of this ordinance, a sign is any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structures, including billboard or poster panels designed to carry visual information. However, the following shall not be included in the application of these regulations:

a. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations;

b. Flags and insignia of any government except when displayed in connection with commercial promotion;

c. Legal notices, identification, informational, or directional signs erected or required by governmental bodies or public utilities;

d. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights;

e. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(2) Signs are defined as either on-site signs or off-site signs.

a. An on-site sign is one relating in its subject matter to the premises on which it is located, or to products, services, accommodations, or activities on those premises.

b. An off-site sign is any sign other than an on-site sign including signs erected for the provision of outdoor displays or display space as a business on a lease or rental basis.

B. Number and Area

For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered to be a single sign.

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area. The area of a double-faced sign shall be the area of one face of the sign, provided that the two faces are of the same size and are parallel to one another with no more than twenty-four (24) inches between each sign face.

C. Building Permit Required

No sign shall hereafter be erected or attached to, suspended from, or supported on a building or structure nor shall any existing sign be structurally altered, remodeled or relocated until a building permit has been issued by the Zoning Administrator. No permit is required for signs enumerated in Subsection H.

D. Material and Design

All signs shall be constructed and designed according to generally accepted engineering practices, to withstand wind pressures and load distribution as specified in Section 804 of the North Carolina Building Code, 1958, as amended.

E. Inspection Required

Each sign may be subject to an annual inspection by the Zoning Administrator for the purpose of assuring that the structure is maintained in a safe condition. The fee for the annual inspection shall be in accordance with a regularly adopted fee schedule of the town. When a sign becomes structurally unsafe, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located, that the sign shall be made safe or removed within ten (10) days of receipt of notice.

F. Illuminated Signs

All signs in which electrical wiring and connections are to be used shall require a permit and shall comply with the North Carolina Electrical Code and be approved by the Zoning Administrator.

G. Prohibited Signs

(1) No sign may be erected or maintained which is a copy or imitation of an official highway sign and carrying the words "STOP" or "DANGER". No sign shall be erected or maintained which involves flashing or intermittent red, green or amber illumination or resembles a traffic control signal or sign.

(2) No sign may obstruct corner visibility or visibility at a driveway between a height of two (2) feet and ten (10) feet.

(3) No sign may be posted on any telegraph, telephone, or electric light poles or on any tree along any street except for approved street name signs.

(4) No sign may obstruct ingress and egress to any window, door, fire escape, stairway, ladder or opening intended to provide light, air, ingress or egress for any room or building as required by law.

(5) No sign may violate any provision of any law of the State of North Carolina relative to outdoor advertising.

(6) No sign may be erected which contains, employs, or utilizes lights or lighting which rotates, flashes, moves or alternates except for otherwise approved time or temperature signs.

(7) No sign may be located within a public right-of-way or within 30 feet of the center line of any public thoroughfares.

H. Signs Permitted in Residential Districts

(1) An indirectly lighted name plate or professional sign not over two (2) square feet in area may be permitted with an approved home occupation.

(2) Temporary real estate signs, not exceeding two (2) square feet in area, directing the way to premises which are for sale, rent, or lease, provided such signs shall be neatly painted or printed and shall be removed promptly when the property has been sold, rented, or leased.

(3) Directional signs not over four (4) square feet in area indicating the location of churches, schools, hospitals, parks, scenic or historic places, or other places of general interest. Any such sign and mounting shall not exceed three (3) feet in total height.

(4) One name sign or bulletin board not exceeding twelve (12) square feet for any permitted church, school or other non-commercial institution. The sign or board may be indirectly lighted and shall be set back at least fifteen (15) feet from the property line.

(5) Temporary real estate signs, not exceeding six (6) square feet in area, advertising the sale, rent or lease of the premises on which located. However, these signs shall not be less than fifteen (15) feet from any street or lot line, shall not be illuminated, shall be neatly painted and maintained, and shall be removed promptly when the property has been sold, leased or rented.

(6) Temporary non-illuminated signs not exceeding six (6) square feet in area advertising the general contractor, contractor, subcontractor, architect, landscape architect or other such professional persons or organizations engaged in or associated with the lawful construction, alteration, remodeling, or demolition of any building or use. However, these signs shall be limited to one for each organization involved and shall be set back from the property line at least fifteen (15) feet and shall be removed within thirty (30) days after the completion of the general contract.

(7) A sign not to exceed two (2) square feet in area announcing the name, owner, or location of a dwelling.

(8) Non-illuminated signs announcing the name of a subdivision or group housing project located on the premises at major entrances. However, these signs must be neatly constructed and maintained, limited to announcing only the name of the subdivision or group housing project and must not obstruct corner visibility.

(9) Directional signs in parking lots if required by Section 7.01 of this ordinance.

I. Signs Permitted in the B-1 General Business District

(1) On-Site Signs

For each lot, in business use, one (1) square foot of business sign area for each two (2) lineal feet of frontage on a public right-of-way may be allowed. However, the total sign area for any single lot may not exceed 32 square feet in area. The sign area may be in single or in a combination of signs subject to the following limitations:

a. One (1) free standing sign per lot may be located either temporarily or permanently on the ground in area and shall not exceed thirty-two (32) square feet in area and shall not exceed twenty (20) in height above street grade. For a lot which has frontage on more than one public right-of-way there amy be two (2) signs, neither of which may exceed sixty-four (64) square feet in area.

b. Window signs shall be placed only inside a commercial building and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.

c. Projecting signs may project from the building over the street right-of-way, alley or other public space provided the sign does not exceed beyond a vertical plane twenty-four (24) inches inside the curb line. The bottom clearance of such signs shall be at least ten (10) feet above the finished grade of the sidewalk along the street and at least fourteen (14) feet above grade at alleys and corners.

d. Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches beyond the building wall surface and shall not exceed twenty (20) percent of the exposed finished wall surface area including openings.

(2) Off-Site Signs

None permitted.

J. Signs Permitted in the B-2 Highway Commercial District

(1) On-Site Signs

For each lot, in business use, two (2) square feet of business sign area for each lineal foot of frontage on a public right-of-way may be allowed. However, the total sign area for any single lot may not exceed a total of three-hundred (300) square feet. No single sign may exceed 128 square feet in area. The sign area may be in a single or in a combination of signs subject to the following limitations:

a. Wall signs placed against the exterior walls of buildings shall not extend more than six (6) inches beyond the building wall surface and shall not exceed twenty (20) percent of the exposed finished wall surface area including openings.

b. One (1) free standing sign per lot may be located either temporarily or permanently on the ground but shall not exceed sixty-four (64) square feet in area and shall not exceed twenty (20) feet in height above street grade. For a lot which has frontage on more than one public right-of-way there may be two (2) signs, neither of which may exceed sixty-four (64) square feet in area.

c. Window signs shall be placed only inside a commercial building and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.

d. Projecting signs may project from the building over the street right-of-way, alley or other public space provided the sign does not extend beyond a vertical plane twenty-four (24) inches inside the curb line. The bottom clearance of such sign shall be at least ten (10) feet above the finished grade of the sidewalk along the street and at least fourteen (14) feet above grade at alleys and corners.

(2) Off-Site Signs

None Permitted.

SECTION 7.03 - OUTDOOR LIGHTING

Outdoor lighting for yards, signs, advertising structures, parking lots and other areas must be oriented or shielded so that the light and glare reflects away from streets and adjacent property.

SECTION 7.04 - REGULATIONS GOVERNING MOBILE PARKS

A. General Regulations

(1) Location and Maintenance of Parks

No person may maintain, operate or occupy a mobile home park within the zoning jurisdiction of the town unless the park meets the requirements of this ordinance. If three (3) or more mobile homes are located on the same undivided lot or tract of land, they must meet the requirements of this section.

(2) Application for Park Permit

Application for a permit to develop, operate, alter or maintain a Mobile Home Park shall be made to the Zoning Administrator under the provisions of Section 9.05. The application for a permit shall include the following;

a. A plan for the general layout of the park containing the information required below:

1. The area to be used for the park showing property lines and adjacent zoning and land use;

2. Driveways, entrances, exists, roadways and walkways;

3. Location of mobile home spaces and buildings;

4. Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, recreation and utility areas and utility rooms;

5. Method and plan of sewage disposal;

6. Location and quantity of refuse containers;

7. Plan of water supply; and

8. Plan of electric lighting.

b. Plans and specifications for any building to be constructed on the site.

c. Further information may be required by the Zoning Administrator or County Health Department to enable them to determine if the proposed park will comply with the regulations of this ordinance and other applicable laws.

(3) Sanitary Facilities, Water Supply, Sewerage, Refuse Disposal and Utilities

In every Park and related permanent building, all installations of plumbing and electrical wiring, and all gas and oil appliances shall comply with the provisions of the building, plumbing and electrical, heating and gas ordinances and codes and any other applicable regulations of the town, In addition, the following requirements must be met:

a. Each mobile home space shall be provided with plumbing and electrical connections;

b. Water Supply - A supply of pure running water for domestic purposes, from a source approved by the County Health Department shall be provided for every park. The water supply for each Mobile Home shall be obtained only from approved connections located on each mobile home space or inside each mobile home.

c. Sewage Disposal - Every park shall be provided with an adequate sewage disposal system constructed in compliance with the regulations of the County Health Department. All sewage wastes from each Park including wastes from toilets, and toilet rooms, showers, lavatories and wash basins and wastes from refrigerator drains, washing machines, sinks or faucets in mobile homes or on mobile home spaces shall be piped into the Park sewage disposal system. All sewage wastes from every trailer equipped with its own toilet facilities shall be piped into the Park sewage disposal system.

d. Refuse Disposal - All garbage and refuse in every Park shall be stored in suitable watertight and fly-tight receptacles in accordance with County Health Department requirements.

(4) Registration

It shall be the duty of the operator of the Park to keep an accurate register containing a record of all mobile homes or trailers, owners, and occupants of the Park. The register shall contain the following information:

a. Name and address of owner and each occupant;

b. License number and state of issue of each licensed vehicle;

c. Space number in which the mobile home or trailer is parked;

d. Date of entering Park;

e. Date of leaving Park.

B. Specifications for Mobile Home Parks

(1) Every mobile home park shall be at least one (1) acre in area.

(2) The amount of land for each individual mobile home space shall be determined by the Zoning Administrator after an investigation of soil conditions, the proposed method of sewage disposal, and proposed water system. However, in no case shall the size of a mobile home space be less than four thousand (4,000) square feet.

(3) Each mobile home space shall be at least forty (40) feet wide and clearly marked. There shall be at least fifteen (15) feet clearance between mobile homes including mobile homes parked end to end. No mobile home shall be located closer than fifteen (15) feet to any building within the park, within fifteen (15) feet of any exterior boundary line of the park and no closer than fifteen (15) feet to the edge of any interior street.

(4) All mobile home spaces shall abut upon an interior drive of no less than twenty (20) feet in width, which shall have unobstructed access to a public street or highway. It is the intent of this section that individual mobile home spaces shall not have unobstructed access to public streets or highways except through an interior drive. All interior drives shall be graded and maintained so that they are passable in all weather.

(5) Dead end drives shall not exceed one thousand (1,000) feet in length. Any interior street designed to be permanently closed shall have a turnaround at the closed end.

(6) Drives shall intersect as nearly as possible at right angles, and no drive shall intersect at less than seventy-five (75) degrees. Where a drive intersects a public street or highway, the design standards of the North Carolina Department of Transportation shall apply.

(7) Suitable vehicular access for fire fighting equipment, delivery of fuel, removal of refuse, parking and removal of mobile homes and for other necessary services shall be provided.

(8) All mobile home parks shall have one (1) or more recreation areas with a minimum size of twenty-five hundred (2,500) square feet which shall be easily accessible to all park residents. Additional recreation space shall be based upon a minimum of two hundred (200) square feet for each mobile home space within the Park. Recreation areas shall be located to be free of traffic hazards and should, where topography permits, be centrally located.

(9) Parking space sufficient to accommodate at least two (2) automobiles shall be located on each mobile home space.

(10) No mobile home park shall be located on ground that is subject to flooding. The park shall be graded so as to prevent any water from ponding or accumulating on the premises. All ditch banks shall be sloped and seeded to prevent erosion.

(11) The mobile home park shall have a visual buffer such as shrubbery or fencing not less than six (6) feet in height between the park and any adjacent residential uses other than mobile homes.

(12) The area of the mobile home space shall be improved to provide an adequate foundation for the placement of the mobile home as required by the N. C. Building Code.

(13) Each mobile home shall be securely anchored in accordance with the N. C. Building Code Standards for hurricane areas.

(14) Each mobile home space shall be equipped with plumbing and electrical connections and shall be provided with electrical current in sufficient amount to safely meet the maximum anticipated requirements of a mobile home.

(15) Management - In each mobile home park, the permittee or duly authorized attendant or caretaker shall be in charge

at all times to keep the mobile home park, its facilities, and equipment in a clean, orderly, safe and in a sanitary condition.

(16) Non-Conforming Mobile Home Parks - Existing mobile home parks which provide mobile home spaces having a width or area less than that herein described may continue to operate with spaces of existing width or area provided they meet the standards of the County Health Department. In no event shall any non-conforming park be allowed to expand unless the entire park is improved to meet the requirements of this ordinance.

SECTION 7.05 - GROUP DEVELOPMENT PROJECTS - (Includes apartments, townhomes and condominiums)

Group development projects which consist of two or more principal buildings devoted to a common or similar use and constructed on a single lot, may be permitted as conditional uses in specified districts established by this ordinance under the provisions of Section 9.05, provided a mandatory preapplication conference is held between the Planning Board and the developer prior to filling the required application for review and approval of the project by the Board of Commissioners. This review and approval shall be required for all group development projects. Site plans at a scale of not less than one (1) inch to one-hundred (100) feet shall be submitted to show the size and location of all structures, streets, drives and parking spaces and their relationship to open spaces and adjacent properties. Group development plans shall also include a computation schedule expressed in acres which indicates the area and percentages of the site devoted to:

1. Total Area
2. Parking and Roadway Area
3. Building Area
4. Open Space

A. Design, Standards, General

1. Lot Size: No group development may be established on a lot which is less than 20,000 square feet in area.

2. Street Access: Any building established as a part of a group development project which cannot properly be served by emergency or service vehicles from an abutting street shall be made accessible to those vehicles by a paved driveway having a roadbed width of not less than 20 feet, exclusive of parking spaces.

3. Off-Street Parking and Loading Facilities: Off-street parking and loading facilities established in connection with a group development project shall be designed, located, and arranged so they will not interfere with the efficient flow of traffic through the area and will not interfere with the access of emergency and service vehicles.

4. Separation of Buildings: All buildings established as a part of a group development project shall be separated by not less than 20 feet.

5. Setback Requirements: Unless otherwise provided by this ordinance for a specific type of group development project buildings shall comply with the front yard, side and rear yard requirements established for the district in which located.

6. Uses Permitted: In no case shall a use be permitted as a part of a group development project that is prohibited by this ordinance in the district in which the project is to be located.

B. Design Standards - Group Housing Projects

In addition to the other standards set forth in this Section, a group housing projects shall comply with the following additional requirements:

1. Setbacks: All buildings established as a part of a group housing project shall be set back not less than twenty (20) feet from all side or rear property lines.

2. Location: No dwelling structure established as a part of a housing project shall be located within twenty (20) feet of another dwelling structure within the development.

3. Open Space: Not less than twenty (20) percent of the total area of a group housing project must be permanent open space which shall not include any area covered by buildings, parking areas or streets.

C. Areas, Facilities and Improvements for Common Use

Any area, facility or improvement which will benefit or be used in common by residents or tenants of a group development must be indicated on the site plan and specifically approved as part of the plan review under the following conditions:

1. It shall be made available in its improved state as set forth on the site development plan in accordance with an approved time schedule.

2. It shall be maintained in accordance with an approved maintenance plan specifying what the maintenance shall consist of, whose responsibility it shall be, and assuring satisfactory execution of maintenance.

3. Provisions to insure its continuing availability shall be included in the deed to each property to be served by that common area, facility, or improvement.

D. Additional Information

Additional information may be required by the Planning Board or the Commissioners to determine the impact of the proposed development on the town.

E. Approval of Site Development Plans

No building permit shall be issued in a group development until the Planning Board and Board of Commissioners have approved site development plans and reports for the development as a whole or stages deemed satisfactory in relation to total development. No structure or use other than as indicated in approved site development plans and reports shall be permitted.

F. Modification of Approved Plans

After review by the Planning Board, the Board of Commissioners may permit changes in an approved site development plan, but only on a finding that such changes are in accord with applicable current regulations.

SECTION 7.06 - CONVERSION OF EXISTING STRUCTURES TO CONDOMINIUM OWNERSHIP

Existing structures not in condominium ownership under the Unit Ownership Act of the State of North Carolina may be converted to unit ownership provided the owner or developer shall comply with all provisions of this ordinance requiring a building permit and site plan approval, as applicable, as in new construction, and further that before the existing structure may be converted to unit ownership in accordance with the North Carolina Unit Ownership Act, the structure shall meet all the requirements and standards of the current building code in effect in the town at the time the conversion is made.

SECTION 7.07 - HOME OCCUPATIONS

Home occupations may be approved as conditional uses is residential districts by the Board of Commissioners under the provisisions of Section 9.05 provided the following conditions are met as any additional conditions and safeguards that may be required by the Commissioners as conditions of their approval.

1. Not more than 50% of the total floor area of the principal and accessory building may be used for a home occupation.

2. No electrical machinery may be used which has a rating of over two (2) horsepower.

3. There may be no more than two (2) persons employed other than those residents on the premises.

4. In addition to the parking requirement for a residence, off-street parking shall be provided for each employee.

5. Only one sign not to exceed two (2) square feet may be erected. The sign may be indirectly lighted.

6. No activity or mechanical devices may be used which cause the residential character of the neighborhood to be impaired by the generation of sounds, light, or vibration.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

SECTION 8.01 - ZONING ADMINISTRATOR

The Zoning Administrator designated by the Board of Commissioners shall administer and enforce this ordinance, He may be provided with the assistance of any other persons which the Board may direct. The Zoning Administrator shall have all necessary authority to administer and enforce the zoning ordinance, including the power to order in writing the correction of any condition found in violation of the ordinance, and the power to bring legal action to insure compliance with the ordinance, including injunction, abatement, or other appropriate action or proceeding.

SECTION 8,02 - BUILDING PERMIT REQUIRED

No building or other structure shall be erected or moved, nor shall any existing building or structure be altered in any manner, unless a building permit has been approved by the Zoning Administrator. The Zoning Permit shall expire by limitation, six (6) months from date of issuance if work authorized by the Permit has not commenced. If after commencement the work is discontinued for a period of twelve (12) months, the permit for it shall immediately expire. No work authorized by any permit that has expired shall then be performed until a new permit has been secured, A fee for the permit shall be paid to the town according to a regularly adopted fee schedule.

SECTION 8.03 - WATER SUPPLY AND SEWAGE DISPOSAL REQUIREMENTS

The Zoning Administrator shall not issue a Zoning Permit for any use or structure requiring a water supply or sewage disposal or both unless the application is accompanied by approval in writing by the appropriate authority of the water supply and method of sewage disposal.

SECTION 8.04 - APPLICATION FOR ZONING PERMIT FOR PERMITTED USES

All applications for zoning permits shall be accompanied by plan in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include any other information which may be required by the Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; and the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot and on nearby lots, elevations of finished floors; and any other matters which may be necessary to determine conformance with and provide for the enforcement of this ordinance. One copy of the plan shall be returned to the applicant by the Zoning Administrator after he has marked the copy either as approved or disapproved and attest to that by his signature on the copy. The second copy of the plan, similarly marked, shall be retained by the Zoning Administrator.

SECTION 8.05 - APPLICATION FOR ZONING PERMIT FOR CONDITIONAL USES

The Board of Commissioners may approve permits for conditional uses in the zoning districts where conditionaluses are specified by this ordinance. Applications for permits under Section 7.05, Group Development Projects and Section 7.06 Conversion of Existing Structures for Condominium Ownership shall also be processed under this section.

A. Written application for a conditional use permit shall be submitted to the Zoning Administrator at least ten (10) days before the next regularly monthly meeting of the Planning Board. The written application shall indicate the section of this ordinance under which a permit is being sought and shall contain the information required by the appropriate section and any other information which may be required to insure compliance with this ordinance.

B. The Planning Board shall review the application for a conditional use permit and shall submit its recommendation as to approval or disapproval along with any additional conditions or safeguards it may consider necessary to the Board of Commissioners.

C. When it is considered desirable by the Planning Board or the Board of Commissioners a public hearing may be held on any conditional use. Notice by means of a placard posted on the property concerned shall be given at least fifteen (15) days in advance of public hearing. The owner of the property for

which the conditional use is sought or his agent shall be notified by mail at least fifteen (15) days prior to the public hearing.

D. Any party may appear in person or be represented by agent, or attorney.

E. Before they may grant any conditional use permit, the Board of Commissioners shall make findings that: (1) the applicant has met the requirements of the ordinance; (2) granting the permit will be in general conformity with the town's plan of development; (3) the proposed use will be compatible with the area in which it is to be located if developed under the conditions specified in the ordinance and those additionally required by the commissioners.

F. In granting any Conditional Use Permit, the Board of Commissioners may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of those conditions and safeguards, whem made a part of the terms under which the conditional use permit is granted, shall be considered a violation of this ordinance and punishable under Article IX of this ordinance. The Board of Commissioners shall prescribe a time limit within which the action for which the Conditional Use Permit is required shall be begun or completed, or both. Failure to comply within the time limit set shall void the Conditional Use Permit. If any of the conditions of approval or any part of them should be held invalid or void, the permit shall be void immediately.

SECTION 8.06 - CERTIFICATE OF OCCUPANCY REQUIRED

No land shall be used or occupied and no building hereafter structurally altered, erected or moved shall be used or its use changed until a certificate of occupancy shall have been issued by the Zoning Administrator stating that the proposed use and any buildings comply with the provisions of this ordinance. A similar certificate shall be required for the purpose of renewing, changing, or extending a non-conforming use. A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and may be issued within ten (10) days after the work has been completed in conformity with the provisions of this ordinance. A record of all certificates shall be kept on file by the Zoning Administrator.

A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that the temporary certificate may require conditions and safeguards to protect the safety of the occupants and the public.

SECTION 8.07 - VIOLATION

If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violations of its provisions.

ARTICLE IX. PENALTY

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is ised in violation of this ordinance, the Zoning Administrator, or any appropriate authority in addition to other remedies, may institute any appropraite action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct to abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct business or use in or about such premises.

Violations of the provisions of these regulations shall be a misdemeanor under the North Carolina General Statute 14-4 and each day's continuing violation shall be a separate offense. Notwithstanding the criminal penalties, the Zoning Administrator may institute a civil action against the offender seeking enforcement by appropriate equitable remedy, injunction and order of abatement or by any remedy authorized by North Carolina General Statute 160 A-175 and 160 A-389, as amended.

ARTICLE X. BOARD OF ADJUSTMENT

SECTION 10.01 - BOARD OF ADJUSTMENT ESTABLISHED

A Board of Adjustment is hereby established. The word "Board" when used in this Article shall be construed to mean the Board of Adjustment. The Board shall have five (5) regular members and three (3) alternates. Four (4) regular members and two (2) alternates shall be citizens of the town appointed by the Mayor and approved by the Board of Commissioners. One (1) regular member and one (1) alternate shall be residents of the extraterritorial area and shall be appointed by the County Commissioners in accordance with North Carolina General Statute 160A-362. One (1) of the initial members shall be appointed for a term of one (1) year; two (2) for terms of two (2) years; and two (2) members and the three (3) alternates for terms of three (3) years. Their successors shall be appointed for terms of three (3) years. Vacancies shall be filled for the unexpired term only. Members may be removed for cause by the Board of Commissioners upon written charges and after public hearing. The members of the Board may be compensated according to a schedule adopted by the Board of Commissioners from time to time.

SECTION 10.02 - CHAIRMAN OF THE BOARD

The Mayor shall designate one (1) of the members as chairman and another as vice-chairman who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this section.

SECTION 10.03 - MEETINGS OF THE BOARD

All meetings of the Board shall be held at a regular place and shall be open to the public. A quorum of four (4) members shall be present at the designated meeting place before a vote is taken or final disposition of any appeal is made upon which the Board is required to pass. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, an indication of that fact. The final disposition of appeals shall be recorded resolution indicating the reasons of the Board. All of the minutes, deliberations and records of the Board shall be a public record. In the event a regular member shall be absent, an alternate member shall be notified to serve in the place of the regular member. Alternate members shall not otherwise participate in deliberation of the Board on any matter under the following sections.

SECTION 10,04 - POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which it is required to pass under this ordinance or to affect any variation of this ordinance.

A. Administrative Review and Interpretation

(1) Administrative Review

The Board of Adjustment may hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this ordinance.

An appeal from the decision of the Zoning Administrator may be taken to the Board of Adjustment by any person aggrieved, or by any officer, department, board or bureau of the town effected by the decision. The appeal must be taken within thirty (30) days by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds for it. The Zoning Administrator shall promptly transmit to the Board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal shall have been filed with him that: (1) by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property; or that, (2) because the violation charged is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by court of record on application, on notice to the Zoning Administrator and due cause shown.

In exercising the above mentioned powers, the Board of Adjustment may, so long as the action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination that in its opinion ought to be made, and so shall have the powers of the Zoning Administrator.

(2) Interpretation

The Board of Adjustment shall interpret the Zoning Map and pass on questions of lot lines or district boundary lines and similar questions that may arise in the administration of the ordinance.

B. Variance: Conditions Governing Applications; Procedures; Fee

The Board of Adjustment may authorize upon appeal in specific cases a variance from the dimensional requirements of this ordinance which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. A fee in accordance with a regularly adopted fee schedule of the town shall be paid to the town for each application for variance to cover the administrative expenses involved. A variance from the terms of this ordinance shall not be granted by the Board of Adjustment unless and until:

(1) A written application for a variance is submitted demonstrating:

a. That 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;

b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

c. That the special conditions and circumstances do not result from the actions of the applicant;

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district;

e. No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) Notice shall be given at least fifteen (15) days in advance of public hearing.

(3) The public hearing shall be held as advertised. Any party may appear in person or be represented by Agent or by Attorney.

(4) The Board of Adjustment shall make findings that the requirements of Section 10.04 (B) (1) have been met by the applicant for a variance.

(5) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6) The Board of Adjustment shall further make a finding that granting the variance will be in general conformity with the town's plan of development and will not be injurious to the neighborhood, or otherwise detrimental to the public.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance and punishable under Article IX of this ordinance.

SECTION 10.04

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissable under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

SECTION 10.05 - APPEALS FROM DECISION OF THE BOARD OF ADJUSTMENT

Any appeal from a decision of the Board of Adjustment to Superior Court shall be taken within thirty (30) days after the decision decision is filed in the office of the Town Clerk of the Town of Chocowinity or after a copy of the decision is delivered to the appellant by registered mail to the appellant on the next working day after a decision is rendered.

SECTION 10.06 - DUTIES OF ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, COURTS AND BOARD OF COMMISSIONERS AS TO MATTERS OF APPEAL

It is the intention of this ordinance that all questions arising in connection with its enforcement shall be presented to the Zoning Administrator and that questions shall be presented to the Board of Adjustment only on appeal from the Zoning Administrator. From the decision of the Board of Adjustment recourse shall be had to courts as provided by law. The duties of the Board of Commissioners in connection with the ordinance shall not include hearing and passing upon disputed questions that may arise in connection with the enforcement of it. The procedure for determining those questions shall be as set out in this ordinance, and the duties of the Board of Commissioners in connection with this ordinance shall be only the duty of considering and passing upon any proposed amendment or approving any conditional use permit as provided by this ordinance.

ARTICLE XI. CHANGES AND AMENDMENTS

SECTION 11.01 - MOTION TO AMEND

The Board of Commissioners may, on its own motion or upon motion or upon petition by any person within the zoning jurisdiction of the town, after public notice and hearing, amend, supplement, change, modify or repeal these regulations or the maps which are part of this ordinance, subject to the rules prescribed in this ordinance. No regulation or map shall be amended, supplemented, changed, modified or repealed until after a public hearing is held in relation to it, at which parties in interest and citizens shall have an opportunity to be heard. A notice of the hearing shall be given once a week for two (2) successive calendar weeks in a newspaper of general circulation in the town. The notice shall be published the first time not less than ten (10) days nor more than twenty-five (25) days prior to the date affixed for the public hearing.

SECTION 11.02 - PROTEST AGAINST AMENDMENT

In case of a protest against an amendment, supplement, change, modification or repeal signed by the owners of twenty (20) percent or more either of the area of the lots included in the proposed changem or of those immediately adjacent to it either in the rear of it or on either side of it, extending one-hundred (100) feet from the street frontage of the opposite lots, the amendment shall not become effective except by favorable vote of three-fourths of all the members of the Board of Commissioners. The provisions of this section shall not apply to any amendment which initially zones property added to the territorial coverage of this ordinance as a result of annexation or otherwise.

SECTION 11.03 - PLANNING BOARD ACTION

Every proposed amendment, supplement, change, modification or repeal shall be referred to the Planning Board for its recommendation and report. An application for an amendment shall contain a description/or statement of the present and proposed Zoning Regulation or District Boundary to be applied. Such application shall be filled with the Zoning Administrator or Town Clerk no later than ten (10) days prior to the Planning Board meeting at which time the application may be considered. The Planning Board has a maximum of forty-five (45) days to review each project. If the applicant has not received comments from the Board after the review period, he can assume the proposal has been approved.

SECTION 11.04 - FEE

A fee according to a regularly adopted fee of the town shall be paid to the town for each application for an amendment to this ordinance or map to cover the costs of advertising and other administrative expenses involved.

ARTICLE XII. LEGAL STATUS PROVISIONS

SECTION 12.01 - EFFECTS UPON UNDERSTANDING 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 of one for which a building permit has been granted by the Zoning Administrator prior to the time of passage of this ordinance. However, where construction is not begun under any outstanding permit within a period of one-hundred and eighty (180) days subsequent to the passage of this ordinance or where it has not been prosecuted to completion within eighteen (18) months subsequent to passage of this ordinance, the permit shall expire and any further construction or use shall be in conformity with the provisions of this ordinance.

SECTION 12.02 - INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare. It is intended by this ordinance to conflict with other laws or to interfere with or abrogate or annul any easement, covenants, or other agreements between parties. Where this ordinance imposes a greater restriction upon the use or building 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. Where the provisions of any other ordinance, law or covenant require more restrictive standards, provisions shall govern.

SECTION 12.03 - VALIDITY

If any section, subsection, sentence, clause or phase of this ordinance if for any reason held to be invalid, that decision shall not effect the validity of the remaining portions of this ordinance. The Board of Commissioners declares that it would have passed this ordinance and each Article, Section, Clause and Phrase of it even if any one or more Articles, Sections, Sentences, Clauses or Phrases may be declared invalid.

SECTION 12.04 - EFFECTIVE DATE

This ordinance shall become effective from and after its passage by the Board of Commissioners.

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