

Town of Red Cross

Zoning Ordinance

June, 2021



**ARTICLE I.  
PURPOSE AND AUTHORITY.**

**1-1. Purpose.**

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent the over-crowding of land; avoid undue congestion of population; facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

**1-2. Authority.**

The town council of Red Cross enacts this ordinance pursuant to the authority granted by the General Statutes of North Carolina (G.S. Chapter 160D-702 Article 2).

**1-3. Short Title.**

This ordinance shall be known and may be cited as the "Zoning Ordinance" of the Town of Red Cross, North Carolina, and the zoning map referred to herein shall also be known as the "Official Zoning Map" of the Town of Red Cross, North Carolina. The current zoning map will be authenticated by the Town Clerk and maintained either in digital form or paper copy. The physical copy will be held on file Town Hall for public inspection along side any state or federal agency maps incorporated into the zoning map in accordance to G.S. 160D-105. Prior zoning maps will be maintained for public inspection in digital or paper format.

Copies of the zoning district map reproduced by any method of reproduction that gives legible and permanent copies, when certified by the local government/town clerk in accordance with G.S. § 160A-79 or 153A-50, shall be admissible in evidence and shall have the same force and effect as would the original map

**1-4. Territorial Jurisdiction.**

On and after the effective date of this ordinance, these regulations shall govern the use of all lands lying within areas designated as "official zoned areas" by the town council, and inside the corporate limits or now or hereafter fixed, the territory being more particularly described on the map entitled "Extraterritorial Jurisdiction Map of the Town of Red Cross, North Carolina" as is on file in town hall and is recorded in the Stanly County register of deeds, the boundary lines on the map being incorporated and made a part of this ordinance as is fully set out herein.

**1-5. Conflict with other Regulations.**

(A) Whenever the regulations of this ordinance require a greater width or size of yards, courts, or other open space, or require a lower height of building or lesser number of stories or require a greater percentage of lot to be left unoccupied, or impose other restrictive standards than are required in or under any other statutes or agreements, the regulations and requirements of this ordinance shall govern.

(B) Whenever the provisions of any other statute or agreement require more restrictive standards than are required by this ordinance, the provisions of such statute or agreement shall govern. Provided, however, that nothing in this ordinance shall be construed to amend or repeal any other existing ordinance of the town.

**1-6. Interpretation and Validity.**

Should any section or provision of this ordinance or application of a provision under this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

## ARTICLE II. APPLICABILITY.

### 2-1. Applicability.

No building, structure, or land shall be used, occupied, or altered; nor shall any building, structure, or part thereof be erected, constructed, reconstructed, moved, enlarged, or structurally altered; nor shall any changed use be established for any building, structure, or land, unless in conformity with the general provisions of this ordinance and the specific provisions for the district in which it is located, except as otherwise provided by these regulations. ~~No principal or accessory structure used for bona fide farm purposes and located more than 250 feet from the nearest property line abutting a residential use shall be subject to the design, height, or size requirements specified in this ordinance for such.~~

### 2-2. Vested Development Rights.

#### (A) *In general.*

Any amendments, modifications, supplements, repeal or other changes in these regulations or the zoning maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses:

- (1) For which a building permit has been issued prior to the effective date of the ordinance making the change so long as the permit remains valid and unexpired pursuant to G.S. 160D-1111 448 and the building permit has not been revoked pursuant to G.S. 160D- 1115 422; or
- (2) For which a certificate of zoning compliance has been issued prior to the effective date of the ordinance making the change so long as the certificate of zoning compliance remains valid and unexpired pursuant to this section; or
- (3) For which a vested right has been established and remains valid and unexpired pursuant to this section.

#### (B) *Additional procedures for establishing a vested right.*

A vested right to commence a planned development or use of property according to a site specific development plan shall be established upon approval of a special use permit, a conditional use permit, a special exception permit, or conditional zoning by the appropriate town board. The vested right thus established is subject to the terms and conditions of the site plan. Only those design elements shown on or made a part of the site plan or certificate of zoning compliance shall be vested.

#### (C) *Term of a vested right.*

A right, which has been vested by the Town of Red Cross, shall remain vested for a period of three years from date of approval. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the town board which approves the modification or amendment. Any request for modification or extension of a vested right shall be required to follow the same notice and hearing requirements as the initial zoning action establishing the vested right. A

vested right obtained under this sub-section is not a personal right, but shall attach to and run with the subject property. A right which has been vested under the provisions of this sub-section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit has been issued except that:

- (1) When a vested development plan has been at least fifty percent completed by the end of the vesting period, the project as a whole shall be given two more years to complete development in conformance with the approved plan not to exceed a total vested period of five years; and
- (2) Prior to the vested right terminating at the end of the three-year period, the owner of the property may petition the appropriate board for a one-time two-year extension of the vested right not to exceed a total vested period of five years. In its deliberations regarding the extension request, the board may consider, among other things: a) the percentage of the project completed; b) a demonstration by the petitioner of good faith efforts made towards project completion; c) the reasons for the delay of project build-out; and d) the compatibility of the planned development with current town plans and the surrounding area. The board may choose to extend the vested right for the entire project or only a portion of the project and may require one or more design features shown on the plan or incorporated in the certificate of zoning compliance to meet the current ordinance.

(D) *Declaration of a vested right upon voluntary annexation.*

A petition for annexation filed with the town under G.S. 160D-2-4 ~~D-31 or G.S. 160D-58.1~~ shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established. A statement that declares that no zoning vested right has been established under G.S. 160D-108 - ~~385.1 or G.S. 153A-344.1~~, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right which may have existed shall be terminated.

**ARTICLE III.  
ESTABLISHMENT OF DISTRICTS.**

**3-1. Zoning Districts Established.**

(A) *Types of zoning districts.*

All areas within the zoning jurisdiction of the Town of Red Cross are hereby divided into zoning districts within which the use of land and water areas; the location, height, bulk, appearance and use of structures; the provision of parking and loading areas; and the provision of buffers and screening areas are regulated as herein provided. Zoning districts within the town's jurisdiction fall within one of the following three categories.

(1) *General use zoning districts.*

Each general use district category serves a different purpose and imposes its own set of requirements and restrictions on the use of land in addition to the general requirements and restrictions imposed on all land or uses within the zoning jurisdiction. A general use district may be layered with an overlay district, which is a special type of general use district.

(2) *Conditional zoning districts.*

- a) Most conditional districts are established as parallel or counterpart districts to a general use district. In such cases, references in the zoning ordinance to the general use district shall be construed to also include the counterpart conditional district. Conditional districts, like general use districts, may be layered with overlay districts.
- b) Each conditional district with a counterpart general use district is intended to accomplish the purposes of the counterpart district through the development of identified uses at a specific location in accordance with this section. All regulations and uses which apply to a general use district also apply to the counterpart conditional district and no use shall be allowed in the conditional district that is not allowed in its counterpart general use district.
- c) Additional conditions or new separate conditional district(s), which may be suggested by the petitioner as part of the rezoning process, shall be binding upon property within a conditional district in perpetuity or until the property is rezoned by the town council. Such conditions may include increased buffers, architectural features, access, parking, hours of operation, or any other feature of the development that is integral to meeting the spirit and intent of this ordinance or that serves to mitigate the impacts of the development on adjacent property or the community at large. Such conditions must be enforceable by the town, presented by the petitioner during the public hearing as part of the rezoning petition, and agreed to by the town council during the rezoning process.

- d) This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative or speculative proposals which may not be undertaken for some time.

(3) *Overlay districts.*

Overlay districts are established to provide for certain additional requirements, to permit uses not otherwise permitted in the underlying district, to prohibit uses allowed in the underlying district, or to establish special development requirements for uses permitted. Thus, where overlay districts exist and there is a conflict between the requirements and/or uses specified between the overlay and the underlying district, the standards of the overlay district shall prevail. Otherwise, the standards of the underlying district shall also be in effect for any area additionally zoned for an overlay district.

A zoning map change either establishing or changing any overlay district shall be subject to the same procedures and requirements as any other zoning map change.

(B) *Districts named.*

<u>District Abbreviation</u>	<u>District Name</u>	<u>Classification</u>
<b>RA &amp; RA-CD</b>	Residential-Agricultural District	<b>Residential</b>
<b>R-40 &amp; R-40-CD</b>	Single-family Residential District	<b>Residential</b>
<b>R-20 &amp; R-20-CD</b>	Single-family Residential District	<b>Residential</b>
<b>R-10 &amp; R-10-CD</b>	Single-family Residential District	<b>Residential</b>
<b>R-8 &amp; R-8-CD</b>	Multi-family Residential District	<b>Residential</b>
<b>NB &amp; NB-CD</b>	Neighborhood Business District	<b>Mixed-use</b>
<b>CB &amp; CB-CD</b>	Central Business District	<b>Mixed-use</b>
<b>HB &amp; HB-CD</b>	Highway Business District	<b>Business</b>
<b>GB &amp; GB-CD</b>	General Business District	<b>Business</b>
<b>M-1 &amp; M-1-CD</b>	Light Manufacturing District	<b>Industrial</b>
<b>SEPG</b>	Solar Energy Power Generation Systems	<b>Various</b>
<b>RMH</b>	Residential Manufactured Home	<b>Various</b>
<b>TC &amp; TC-CD</b>	Town Center	<b>Mixed Use</b>

**3-2. General and Conditional Districts.**

(A) *Residential agricultural district (RA and RA-CD)*

(1) *Intent.*

The RA district is provided to encourage the continuance of agricultural uses as well as to insure that residential development not having access to public water supplies and instead dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthy environment.

(2) *Permitted uses.*



Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the RA district shall meet the general dimensional requirements listed in section 3-6.

(B) *Single-family residential district (R-40 and R-40-CD).*

(1) *Intent.*

The R-40 district is intended to insure opportunity for primarily residential development, protected from disruptive commercial or agricultural influences; and to insure that development not having access to public water supplies or public sewage disposal will occur at sufficiently low densities to provide a healthy environment.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the R-40 district shall meet the general dimensional requirements listed in section 3-6.

(C) *Single-family residential district (R-20 and R-20-CD).*

(1) *Intent.*

The R-20 district is a medium density district intended to insure opportunity for primarily residential development, protected from disruptive commercial or agricultural influences; and to insure that development not having access to public water supplies or public sewage disposal will occur at sufficiently low densities to provide a healthful environment.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the R-20 district shall meet the general dimensional requirements listed in section 3-6.

(D) **Residential Manufactured Home (RMH and RMH-CD)**

(1) *Intent.*

The RMH district is a medium density district intended to insure opportunity for primarily residential development, protected from disruptive commercial or agricultural influences; and to insure that development not having access to public water supplies or public sewage disposal will occur at sufficiently low densities to provide a healthful environment.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the RMH district shall meet the general dimensional requirements listed in section 3-6.

(E) *Single-family residential district (R-10 and R-10-CD).*

(1) *Intent.*

The R-10 district is primarily a medium density district intended to accommodate single-family residences and private and public community uses with access to public water and sewer.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

a) Development in the R-10 district shall meet the general dimensional requirements listed in section 3-6.

(E) *Multi-family residential district (R-8 and R-8-CD).*

(1) *Intent.*

The R-8 district is a high density mixed-use district in which the primary use of land is for single-family, two family, and multi-family residences with access to public water and sewer. This district is intended to accommodate persons desiring smaller residences and multi-family structures in relatively high-density neighborhoods.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the R-8 district shall meet the general dimensional requirements listed in section 3-6.

(F) *Neighborhood business district (NB and NB-CD).*

(1) *Intent.*

The NB district is intended to provide for the retailing of goods and services for convenience to nearby residential neighborhoods in such a way as to protect abutting areas from blighting influences.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the NB district shall meet the general dimensional requirements listed in section 3-6.

(G) *Central business district (CB and CB-CD) and Town Center (TC and TC-CD).*

(1) *Intent.*

The CB and TC district is established to encourage the creation of a traditional town center within Red Cross. A broad array of uses is expected in a pattern which integrates shops, restaurants, services, work places, civic uses, educational and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The district anchors the surrounding residential neighborhoods while also serving the broader community. The district is intended to accommodate a higher overall intensity of development required to support a vital downtown core.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the CB and TC district shall meet the general dimensional requirements listed in section 3-6.

(H) *Highway business district (HB and HB-CD).*

(1) *Intent.*

The HB district is a commercial district designed to serve the special needs of the traveling public, provide space for indoor and outdoor recreation and other limited commercial activities requiring large lots. This district is located along portions of major highways traversing the town in such a way to prevent spot or

strip zones and resultant disruption to traffic patterns and residential areas along the highways.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the HB district shall meet the general dimensional requirements listed in section 3-6.

(I) *General business district (GB and GB-CD).*

(1) *Intent.*

This GB district is generally located on the fringe of highways leading out of central business areas. It serves to permit the dispensing of retail goods and services to the community and to provide space for wholesaling and warehousing activities.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the GB district shall meet the general dimensional requirements listed in section 3-6.

(J) *Light manufacturing district (M-1 and M-1-CD).*

(1) *Intent.*

This M-1 district is designed to accommodate industries and warehousing operations which can be operated in a relatively clean and quiet manner and which will not be obnoxious to adjacent residential and business districts.

(2) *Permitted uses.*

Uses permitted by right, uses with conditions, and uses permitted upon the issuance of a "special" permit are listed in the table of uses in section 3-7.

(3) *Dimensional requirements and supplemental standards.*

Development in the M-1 district shall meet the general dimensional requirements listed in section 3-6.

**3-3. Overlay Districts.**

- 1) SEPGS

(A) SEPGS – Solar Energy Power Generation System

(1) Intent

This SEPGS district is designed to accommodate various forms and related facilities within the town in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the town citizens.

(2) Permitted uses.

Uses permitted by right, uses with conditions, and uses issued upon application of this overlay zoning district as listed in the table of uses in section 3-7.

(3) Dimensional requirements and supplemental standards.

Development in the SEPGS overlay district shall meet the general dimensional requirements listed in section 3-6.

(4) Solar Energy Power Generation Systems maybe not be compatible with other types of uses; therefore special regulations are necessary to ensure that any adverse affects to existing and future developments are mitigated.

(5) Accordingly, the Town of Red Cross Town Council finds that regulations related to Solar Energy Power Generation Systems are warranted and necessary:

- A. To direction the location of SEPG within the jurisdiction;
- B. To protect residential area and land uses from potential adverse impacts of SEPG;
- C. To minimize adverse visual impacts of SEPG through careful design, siting, landscape screening, and minimizing reflectivity;
- D. To accommodate the growing need for SEPG to provide alternative sources of power in the jurisdiction;
- E. To promote economic development by placement of SEPG in locations not to impair conventional manufacturing and industries by location where municipal type services are or planned to be served;

(B) "SEPS" and related facilities are only allowed either by right in certain districts by right, Special Use Permit or by SEPS Overlay District. A SEPG overlay district rezoning must be requested by the Application of the property owner for any property with any underlying zoning containing the letters of R, M or B, in addition, all regulations of Section 3-7 shall be met. Approval for legislative approval by the Town Council is required before a zoning compliance can be issued for construction in the SEPS Overlay District.

- 1. Minor SEPS shall include a Building-integrated Solar System and Off Grid Solar Systems and Permitted by Right in any zoning district. These shall include solar Photovoltaic Systems built and integrated into the structure and/or located to the side or rear yard of the property.
- 2. Major SEPS shall be an Active SEPS that does not meet the standards of a minor SEPS.

(C) Site standards

- 1. Setbacks – Active Solar stems structures shall meet the following setbacks. Ground mounted SEPS shall meet the setback for the underlying zoning district and shall be

no closer than 10 feet to the nearest side or rear property line and 50 feet from the front property line or right of way.

2. Power Transmission Lines shall be to the fullest extent possible, be located underground, to any building, structure or utility connection. Existing above ground utility lines shall be allowed to remain in the current location.
3. Height – Ground or pole mounted SEPS shall not exceed 25 feet in height when oriented at maximum tilt.
4. Fences shall be installed around the SEPS for all Major Ground mounted systems to protect from damage.

(D) Operation

1. The property owner and SEPS operator shall remain responsible for the operation of the facility and at any time power is not generated for 180 days, the facility and all equipment shall be removed from the site within 90 days.
2. The operator of a major SEPS shall keep and maintain adequate liability insurance for the facility and supply proof the zoning officer on an annual basis.
3. Any deficiencies noted shall be corrected upon notice by the Zoning Officer either following the Annual Inspection or when they become known.

(E) Approval

1. Site Plans, drawn and stamped by a NC licensed Surveyor or Engineer, shall include the following:
  - a. A narrative describing the proposed SEPS including an overview of the project.
  - b. The proposed location and dimension of all solar panels, inverters, existing and proposed structures, screening, fencing, property lines, turnout locations, ancillary equipment, transmission lines, vegetation and the location of any residences within 100 feet of the perimeter of the facility
  - c. Any preexisting structures on the same lot and principal structures on other properties that would affect the placement of solar panels
  - d. Parking and access areas
  - e. Location of any proposed solar access easements
  - f. Location where wiring is brought together for inter-connection to systems components and/or the local utility power grid, and location of disconnect switch
  - g. Standard drawings of the solar collection system components
  - h. Security Fencing, a minimum of six feet in height, shall be provided along the entire perimeter of the facility
  - i. The entire perimeter of the facility shall be screened from the adjoining properties by a ten foot buffer yard. The buffer yard shall consist of nine evergreen trees or shrubs per 100 linear feet of fraction thereof;
  - j. Copies of any lease agreement and solar access easements
  - k. Evidence that the electrical utility provider has been informed of the customers' intent to install and interconnected, customer-owned generator (off grid systems shall be exempt from this requirement)
  - l. Decommissioning plans that describe the anticipated life of the facility, the estimated decommissioning cost in current dollar, and the anticipated manner in which the facility will be decommissioned including the site restored and a bond equal to amount.
  - m. Signature of the property owners and the owners/operator of the facility if different than the property owners); and
  - n. Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Town to ensure compliances with this Section.
  - o. Outside lighting shall be shielded to direct light and glare onto the system's premises and may be of sufficient intensity to ensure security.

- p. Signage shall be limited to one, 16 square feet or less, 10 foot in height, as permitted by the underlying zoning district. Required signage on the entrance to the facility shall require, systems owners contact information including name, address and phone number in case of emergencies and typical warning signs.
- q. Inverter noise shall not exceed 40dBA, measured at any property lines. This shall be tested annually and report signed and seal by a certified professional and submitted to the Zoning Officer.
- r. Annual inspection shall be performed by the Zoning Officer for all approved requirements in this ordinance and inspection fee charged per the Official Fee Scheduled approved by the Town of Red Cross.

**2) RMH**

**A) Residential Manufactured Home**

**1) Intent**

The RMH district is designed to accommodate flexible and affordable housing where needed to service the town's residents.

**2) Permitted Uses**

Uses permitted by right, uses with conditions as listed in the table of uses in section 3-7.

**3) Dimensional requirements and supplemental standards**

Development in the RMH overlay district shall meet the general dimensional requirements in the underlying zoning district.

**3-4. District Boundaries.**

The boundaries of these districts are hereby established as shown on a map entitled "official zoning map", Town of Red Cross, North Carolina," adopted by the town board of Red Cross and certified by the town clerk. Said map and all explanatory matter thereon accompany and are hereby made a part of this article. Said map shall be retained in the office of the Town Clerk or his/her authorized agent.

**3-5. Rules Governing Boundaries.**

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

- (A) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center lines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.
- (B) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- (C) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale shown on said zoning map.
- (D) Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the

whole thereof, provided that such extensions shall not include any part of such a lot more than thirty-five feet beyond the district boundary line.

- (E) Each permitted use shall conform to the dimensional requirements of the district in which it is located. For example, within an R-20 district, rest homes are permitted uses. The rest homes shall meet the dimensional requirements set forth for the district.
- (F) Where the exact location and/or size of a district boundary shown on the original official zoning map can not be clearly determined and no clear written documentation supporting its exact location is available, the zoning officer may examine the current and/or past land uses in that area and after conferring with the present property owner(s) of the location in question make a determination regarding the actual lines of the intended zoning district that:
  - 1. Follows past or existing property lines; and
  - 2. Conforms to the past or present uses on the property; and
  - 3. Retains the original intent of the zoning of the district.

Each determination along with its justification shall duly filed at the town clerk until such time as the Town of Red Cross adopts a new zoning map.



**3-6. Dimensional Requirements.**

Each permitted use shall conform to the dimensional requirements of the district in which it is located.

**Table 1. General Requirements.**

District	Square Foot per	Minimum Lot Size		Minimum Yard Requirements <sup>(a)</sup>			Maximum Height In Feet
		Dwelling Unit	Average Lot Width In Feet	Front Yard Setback	Side Yard in Feet	Rear Lot in Feet	
RA	Single-family	40,000					
	Two-family	30,000	110	50	15 <sup>(a)</sup>	40	35
R-40	Single-family	40,000	100	50	15 <sup>(a)</sup>	40	35
	Two-family	30,000	100	50	15 <sup>(a)</sup>	40	35
R-20 +RMH	Single-family	20,000	80	40	12 <sup>(a)</sup>	30	35
	Two-family	15,000	110	40	12 <sup>(a)</sup>	30	35
R-10	Single-family	10,000					
	Two-family	7,500	85	40	12 <sup>(a)</sup>	30	35
R-8	Single-family	8,000	70	35	10 <sup>(a)</sup>	25	35
	Two-family	4,000	80	35	10 <sup>(a)</sup>	25	35
	Multi-family	3,000	85	35	10 <sup>(a)</sup>	30	50

(a) Corner lots must have an additional ten feet along the side street line. Accessory buildings in the rear shall comply with all setback requirements. Two-family dwellings to be constructed in the R-20 and R-10 districts shall be allowed only on corner lots with entrances facing different streets.

**Table 2. Setback Requirements.**

District	Minimum Lot Size		Minimum Yard Requirements <sup>(a)</sup>			Maximum Height in Feet
	Dwelling Unit	Average Lot Width in Feet	Front Yard Setback	Side Yard in Feet	Rear Lot in Feet	
<b>Business</b>						
NB	Neighborhood	(e)	30	10 <sup>(b)</sup>	20 <sup>(b)</sup>	35
HB	Highway		40	20 <sup>(b)</sup>	20 <sup>(b)</sup>	35
CB	Central		---	(b)(d)	(b)(d)	---
GB	General		30	10 <sup>(b)</sup>	(b)(d)	50
TC	Town Center		e	E	E	e
<b>Industrial:</b>						
M-1	Light		50	(b)(d)	(b)(d)	---

- (a) Corner lots must have an additional ten feet along the side street line or meet the build-to lines on both sides, whichever is applicable to the district and the building patterns. Accessory buildings in the rear shall comply with all setback requirements.
- (b) Upon any side or rear lot line, which abuts a residential district, there shall be a buffer strip as specified in section 6-2. of this ordinance. No such buffer shall, however, extend nearer to a street right-of-way line than the established building line of the adjoining lot, and no buffer shall be required upon any side or rear yard, which abuts publicly owned lands or right-of-ways.
- (c) Lot dimensions shall be the same as in the R-8 district for all permitted residential uses.
- (d) Where a lot abuts any residential district, there shall be a side or rear yard clearance of at least thirty feet.
- (e) Shall be established by the Town Council during a Conditional District Rezoning approval

**3-7. Table of Uses.**

The following table lists uses permitted in each zoning district by a) issuance of a certificate of zoning compliance from the zoning administrator with or without conditions; and b) issuance of a special use permit (abbreviated S.U.P. in the legend included at the top of the table) from the board of adjustment. The table also denotes in which districts certain uses are not permitted and when the uses permitted within an overlay district are determined by the uses permitted in the underlying district. For the purposes of interpreting the table, the zoning districts are abbreviated as listed in section 3-1(B) and are repeated as follows.

<u>District Abbreviation</u>	<u>District Name</u>	<u>Classification</u>
RA & RA-CD	Residential-Agricultural District	Residential
R-40 & R-40-CD	Single-family Residential District	Residential
R-20 & R-20-CD	Single-family Residential District	Residential
R-10 & R-10-CD	Single-family Residential District	Residential
R-8 & R-8-CD	Mixed Residential District	Residential
NB & NB-CD	Neighborhood Business District	Mixed-use
CB & CB-CD	Central Business District	Mixed Use
HB & HB-CD	Highway Business District	Business
GB & GB-CD	General Business District	Business
M-1 & M-1-CD	Light Manufacturing District	Industrial
SEPGS	Solar Energy Power Generation Systems	Various
RMH	Residential Manufactured Housing	Various

**Table 3. Table of Uses.**

P = Permitted with a certificate of zoning compliance from zoning administrator S = S.U.P. from board of adjustment P/C = Permit from zoning administrator, use must meet additional conditions "-" = Not permitted "U" = Uses determined by underlying district											
USES	RESIDENTIAL					BUSINESS					Additional Conditions
	R-A	R-40	R-20R MH	R-10	R-8	NB	HB	CB	GB	M-1	
<b>Agricultural Uses</b>											
Agriculture fairs & carnivals	S	-	-	-	-	-	-	-	-	-	
Agricultural industry	P	-	-	-	-	-	-	-	-	-	
Agriculture, bona fide farms, including processing or sale of products grown on the same zoning lot, excluding agricultural industry.	P	P/C	-	-	-	-	-	-	-	-	4-4.
Agriculture implements sales and service.	P/C	P/C	-	-	-	-	-	-	-	-	4-5.
Farm machinery assembly, sales and repairs	-	-	-	-	-	-	-	-	P	-	
Greenhouses and horticultural nurseries, commercial	P	-	-	-	-	-	-	-	P	P	
Truck gardens	P	-	-	-	-	-	P	-	-	-	
Hatcheries	-	-	-	-	-	-	-	-	-	-	
Livestock sales barns	-	-	-	-	-	-	-	-	-	-	
Livestock sales and auctions	P	-	-	-	-	-	-	-	-	-	
Raising of poultry, rabbits, or other livestock for private use	P	-	-	-	-	-	-	-	-	-	
<b>Commercial Uses</b>											
Alcoholic beverages, packaged, retail sales	-	-	-	-	-	-	P	P	P	-	
Amusements, commercial, indoor	-	-	-	-	-	-	P/C	P/C	P/C	-	4-6.
Amusements, commercial, outdoor	-	-	-	-	-	-	P/C	-	P/C	-	4-6.
Arts and crafts studio	-	-	-	-	-	P	P	P	P	P	
Automatic teller machines (ATM)	-	-	-	-	-	P/C	P/C	P/C	P/C	P/C	4-8.
Automobile parking lots and structures	-	-	-	-	-	P	P	P	P	P	
Automobile parts and supplies, new	-	-	-	-	-	-	P	P	P	-	
Automobile rental	-	-	-	-	-	-	-	-	P	-	
Automobile repair garages without open storage	-	-	-	-	-	-	-	-	P	P	
Automobile sales and display lots, new and used	-	-	-	-	-	-	P	-	P	P	
Automobile washing establishments	-	-	-	-	-	P	P	-	P	-	
Bakeries	-	-	-	-	-	P	-	P	P	P	
Banks and other financial institutions	-	-	-	-	-	P	P	P	P	-	

Banking and financial services	-	-	-	-	-	P	P	P	P	P	
Banquet and events facilities				S	S	P/C					4-9.
Bed and breakfast establishment	-	-	-	S	S	P/C	P/C	P/C	-	-	4-10.
Bicycle sales and repair shops	-	-	-	-	-	P	-	P	P	-	
Boat works, sales, and display lots	-	-	-	-	-	-	P	-	P	-	
Broadcast studios, radio and television	-	-	-	-	-	P/C	P/C	P/C	P/C	P/C	4-12.
Building materials and equipment sales	-	-	-	-	-	-	-	-	P	P	
Building materials supply									P	P	4-14.
Car wash, full service or automatic	-	-	-	-	-	-	P/C		P/C	P/C	4-15.
Car wash, industrial	-	-	-	-	-	P/C	-	-	P/C	P/C	4-16.
Car wash, self-service	-	-	-	-	-	-	P/C		P/C	P/C	4-17.
Clubs, private	-	-	-	-	-	-	P/C		P/C	-	4-22.
Clubhouses	-	-	-	-	-	-	-	-	-	-	
Commercial stables	P/C	-	-	-	-	-	-	-	-	-	4-25.
Construction vehicle sales, repair, leasing, maintenance, and storage	-	-	-	-	-	-	-	-	-	P/C	4-27.
Convenience store	-	-	-	-	-	P	P	-	-	-	
Copy shop	-	-	-	-	-	-	P	P	P	-	
Curio and souvenir shops	-	-	-	-	-	-	P	-	-	-	
Customary accessory uses	P	P	P	P	P	P	P	P	P	P	
Dairy bars	-	-	-	-	-	P	P	P	P	-	
Dry cleaning and laundry pick-up stations	-	-	-	-	-	P/C	-	P/C	P	P	4-30.
Dry cleaning and laundry services	-	-	-	-	-	P	P	P	P	-	
Electrical appliances and electronic equipment manufacturing, sales, service and assembly.	-	-	-	-	-	-	-	-	-	P	
Electrical supplies and equipment, sales and service	-	-	-	-	-	-	-	-	P	P	
Farmers market	-	-	-	-	-	-	P/C	-	-	-	4-31.
Feed and seed stores	-	-	-	-	-	-	-	-	P/C	P	4-32.
Flea markets	S	-	-	-	-	S	P	-	P	-	
Floral and gift shops, excluding commercial greenhouses	-	-	-	-	-	P	-	P	P	-	
Fruit stands	-	-	-	-	-	-	P	-	P	-	
Fuel dealer	-	-	-	-	-	-	-	-	-	P	
Furriers	-	-	-	-	-	-	-	P	P	-	
Game rooms	-	-	-	-	-	-	-	-	-	-	
Gasoline station, large	-	-	-	-	-	-	P/C	-	P/C	P/C	4-35.
Gasoline station, neighborhood	-	-	-	-	-	P/C	P/C	-	P/C	P/C	4-35.
General retail	-	-	-	-	-	-	P	P	P	-	
Grocery stores and specialty food stores	-	-	-	-	-	P	-	P	P	-	
Gun shops	-	-	-	-	-	-	P	P	P	-	
Gunsmiths	-	-	-	-	-	-	-	-	P	P	
Heavy machinery sales, repair, leasing, maintenance and storage	-	-	-	-	-	-	-	-	P/C	P	4-27.
Home occupations, customary	P/C	P/C	P/C	-	-	-	-	-	-	-	4-40.
Hotels, inns, and motels	-	-	-	-	-	-	-	P	P	-	
Hunting clubs (nonprofit)	P	-	-	-	-	-	-	-	-	-	
Ice and cold storage plants, freezer lockers	-	-	-	-	-	-	-	-	-	P	
Industrial supplies and equipment,	-	-	-	-	-	-	-	-	-	P	

sales and service												
Jewelry repair shops	-	-	-	-	-	P	-	P	P	-		
Junk yard	-	-	-	-	-	-	-	-	-	-		
Kennel	P/S	-	-	-	-	-	-	-	P/S	-	4-41.	
Launderettes and Laundromats	-	-	-	-	-	P	P	-	P	-		
Laundry and linen supply service	-	-	-	-	-	-	P/C	-	P/C	P	4-42.	
Locksmiths	-	-	-	-	-	P	-	P	P	-		
Lumberyards, building materials storage and sales	-	-	-	-	-	-	-	-	P	P		
Monument works and sales	-	-	-	-	-	-	-	-	P	P		
Motel supplies sales and display	-	-	-	-	-	-	P	-	-	-		
Motor vehicle paint or body shop	-	-	-	-	-	-	-	-	P	P		
Motor vehicle sales, rental and leasing	-	-	-	-	-	-	P/C	-	P/C	P	4-45.	
Motor vehicle repair and maintenance	-	-	-	-	-	-	P/C	-	P/C	P	4-44.	
Motor vehicle storage yard	-	-	-	-	-	-	-	-	P	P		
Museums and art galleries	-	-	-	-	-	P	-	P	P	-		
Nursery, lawn and garden supply store, retail	P/C	-	-	-	-	P/C	P/C	-	P/C	P	4-46.	
Office supplies and equipment, sales and service	-	-	-	-	-	-	-	P	P	-		
Outdoor display and sales of merchandise	-	-	-	-	-	P/C	P/C	P/C	P/C	P/C	4-48.	
Outdoor storage	-	-	-	-	-	-	-	-	P	P		
Parking lot or deck	-	-	-	-	-	-	P/C	P/C	P/C	-	4-49.	
Pawn shop	-	-	-	-	-	-	P	-	P	-		
Photographic studios, camera supplies	-	-	-	-	-	P	-	P	P	-		
Plumbing and heating supply houses	-	-	-	-	-	-	-	-	P	P		
Pool, manufacture, supply, sales and service	-	-	-	-	-	-	-	-	-	P		
Raceways and drag strips	-	-	-	-	-	-	-	-	-	-		
Radio and TV repair shops, electric shops	-	-	-	-	-	P	-	P	P	-		
Recreation equipment sales and display lots	-	-	-	-	-	-	-	-	P	-		
Restaurant, without drive-through service	-	-	-	-	-	-	-	P/C	P/C	-	4-58.	
Restaurant, with drive-through service	-	-	-	-	-	-	P	-	P/C	-	4-58.	
Retail, non-store	-	-	-	-	-	-	P/C	-	P/C	-	4-59.	
Retail store, large	-	-	-	-	-	-	P/C	P/C	P/C	-	4-59.	
Retail store, small and medium	-	-	-	-	-	P/C	P/C	P/C	P/C	-	4-59.	
Riding stables	P	-	-	-	-	-	-	-	-	-		
Second hand stores, pawn shops	-	-	-	-	-	-	-	P	P	-		
Shoe repair and shine shops	-	-	-	-	-	P	-	P	P	-		
Shopping center, large	-	-	-	-	-	-	P	-	P	-		
Shopping center, medium	-	-	-	-	-	-	P	-	P	-		
Shopping center, small	-	-	-	-	-	-	P	-	P	-		
Shooting range (indoor)	-	-	-	-	-	-	-	-	S	-		
Shooting range (outdoor)	-	-	-	-	-	-	-	-	-	-		
Sign painting and fabricating shops	-	-	-	-	-	-	-	-	P	P		
Studios (art, dance, music, or photographic)	-	-	-	-	-	P	P	P	P	-		
Tailor, dressmaker and millinery shops	-	-	-	-	-	P	-	P	P	-		
Telephone and telegraph offices	-	-	-	-	-	-	-	P	P	-		

Theater, indoor	-	-	-	-	-	-	P	-	P	-	
Theaters, drive-in	-	-	-	-	-	-	-	-	-	-	
Theaters, housed in a permanent indoor structure	-	-	-	-	-	P	-	P	P	-	
Truck rental	-	-	-	-	-	-	P	-	-	-	
Veterinary services	P/C	-	-	-	-	P/C	P/C	-	P	-	4-68.
Vending companies	-	-	-	-	-	-	-	-	P	P	
<b>Industrial Uses</b>											
Abattoirs	-	-	-	-	-	-	-	-	-	-	
Asphalt and concrete plant and contractors	-	-	-	-	-	-	-	-	-	-	
Auto wrecking yards, building material salvage yards, general salvage yards, scrap metal processing yards	-	-	-	-	-	-	-	-	-	P	
Bedding and carpet manufacturing and cleaning establishments	-	-	-	-	-	-	-	-	-	-	
Bottling works	-	-	-	-	-	-	-	-	P	P	
Brick, tile and pottery yards	-	-	-	-	-	-	-	-	-	-	
Building contractors, general	-	-	-	-	-	-	P/C	-	P/C	P/C	4-13.
Building contractors, heavy	-	-	-	-	-	-	-	-	P/C	P/C	4-13.
Bulk storage of petroleum products	-	-	-	-	-	-	-	-	P	P	
Cabinet, woodworking and upholstery shops	-	-	-	-	-	-	-	-	P	P	
Chemical manufacturing, household or industrial	-	-	-	-	-	-	-	-	-	-	
Clothing and textile manufacturing	-	-	-	-	-	-	-	-	-	P	
Coal and wood yards, pole treating plants	-	-	-	-	-	-	-	-	-	-	
Cotton gins, cotton waste and rag processing	-	-	-	-	-	-	-	-	-	-	
Dairy products processing and distributing facilities	-	-	-	-	-	-	-	-	P	P	
Dry cleaning and laundry plants	-	-	-	-	-	-	-	-	-	P/C	4-30.
Extraction of earth products	-	-	-	-	-	-	-	-	-	-	
Feed and flour mills	-	-	-	-	-	-	-	-	-	P	
Fertilizer blender and distribution facilities	-	-	-	-	-	-	-	-	-	P	
Fertilizer manufacturing	-	-	-	-	-	-	-	-	-	-	
Foundries producing iron, steel, copper, brass and aluminum products	-	-	-	-	-	-	-	-	-	-	
Furniture manufacturing	-	-	-	-	-	-	-	-	-	P	
Ice cream manufacturing	-	-	-	-	-	P	P	P	P	-	
Junkyards and scrap metal dealers	-	-	-	-	-	-	-	-	-	-	
Laboratory (analytical, experimental testing, research and development)	-	-	-	-	-	-	-	-	P	P	
Laboratory, medical or dental	-	-	-	-	-	-	-	-	P	P	
Landfill, land clearing and inert debris	-	-	-	-	-	-	-	-	-	-	
Landfill, construction and demolition	-	-	-	-	-	-	-	-	-	-	
Landfill, sanitary	-	-	-	-	-	-	-	-	-	-	
Leather products and luggage manufacturing	-	-	-	-	-	-	-	-	-	P	
Manufacturing A	-	-	-	-	-	-	-	-	P	P	
Manufacturing B	-	-	-	-	-	-	-	-	-	P	
Meat packing and poultry processing plants	-	-	-	-	-	-	-	-	-	-	

Medical and dental clinics and laboratories	-	-	-	-	-	P	-	P	P	-	
Mixing plants for concrete or paving materials	-	-	-	-	-	-	-	-	-	-	
Motor vehicle dismantling and wrecking yard	-	-	-	-	-	-	-	-	-	-	
Newspaper offices	-	-	-	-	-	-	-	P	P	-	
Paper goods manufacturing and distributing	-	-	-	-	-	-	-	-	-	P	
Plastics, rubber and glass products manufacturing	-	-	-	-	-	-	-	-	-	P	
Precision instrument manufacturing	-	-	-	-	-	-	-	-	-	P	
Printing or binding	-	-	-	-	-	-	-	-	P	P	
Quarries or other extractive industries	-	-	-	-	-	-	-	-	-	-	
Sawmills, planing mills and wooden box factories	-	-	-	-	-	-	-	-	-	-	
Storage and salvage yard	-	-	-	-	-	-	-	-	-	P	
Terminals, freight	-	-	-	-	-	-	-	-	P/C	P/C	4-33.
Tire recapping shops	-	-	-	-	-	-	-	-	-	-	
Trucking terminals, transfer companies	-	-	-	-	-	-	-	-	-	P	
Warehousing (excluding self-storage)	-	-	-	-	-	-	-	-	-	P	
Warehousing, self storage	-	-	-	-	-	-	-	-	P/C	P/C	4-69.
Waste incineration	-	-	-	-	-	-	-	-	-	-	
Waste transfer station, recycling only	-	-	-	-	-	-	-	-	-	P/C	4-70.
Wholesale trade A	-	-	-	-	-	-	-	-	P	P	
Wholesale trade B	-	-	-	-	-	-	-	-	-	P	
Wholesale storage of bottled gas and oxygen	-	-	-	-	-	-	-	-	P	P	
<b>Government and Institutional Uses</b>											
Business colleges, barber and beauty colleges, art schools, music and dance studios, and similar uses.	-	-	-	-	-	-	-	P	P	-	
Childcare institution	P/C	S	S	S	P/C	P/C	-	-	-	-	4-19.
Church or religious institution, neighborhood scale	P	P	P	P	P	P	P	P	P	P	
Church or religious institution, community scale	P/C	-	-	-	-	-	P/C	P/C	P/C	P/C	4-20.
Civic, fraternal, cultural, and community facilities not otherwise listed.	P/C	-	-	-	-	P/C	P/C	P/C	P/C	-	4-21.
Club or lodge, private and non-profit	P/C	-	-	-	-	P/C	P/C	P/C	P/C	-	4-21.
College or university	-	-	-	-	-	-	P/C	P/C	P/C	-	4-24.
Community center	P/C	S	S	S	S	P/C	P/C	P/C	P/C	-	4-26.
Congregate care facility	P/C	S	S	S	S	-	-	-	-	-	4-47.
Correctional institution	-	-	-	-	-	-	-	-	-	-	
Daycare center	P/C	S	S	S	P/C	P/C	P/C	-	P/C	-	4-19.
Daycare, large home	P/C	S	S	S	P/C	P/C	P/C	-	P/C	-	4-28.
Daycare, small home	P/C	S	S	S	P/C	P/C	P/C	-	P/C	-	4-28.
Emergency shelters	-	-	-	-	-	-	-	-	P	-	
Funeral homes and mortuaries	-	-	-	-	-	P/C	P/C	-	-	-	4-34.

Government owned buildings, facilities, and institutions	P/C	-	-	-	-	P	P	-	P	-	4-36.
Government offices, courthouses, and similar governmental facilities not otherwise listed	P	P	P	P	P	P	P	P	P	P	
Group care facility	-	-	-	-	-	-	-	-	P	-	
Group homes A	P/C	P/C	-	-	-	P/C	-	-	-	-	4-37.
Group homes B	P/C	-	-	-	-	P/C	-	-	-	-	4-37.
Habilitation facility - A	P/C	-	-	-	-	P/C	P/C	P/C	P/C	-	4-38.
Habilitation facility - B	P/C	-	-	-	-	-	P/C	P/C	P/C	P/C	4-38.
Industrial trade schools, research laboratories	-	-	-	-	-	-	-	-	P	-	
Institutional uses, not otherwise listed	-	-	-	-	-	-	P	-	P	-	
Libraries	P	S	S	S	S	P	-	P	P	-	
Museum or art gallery	-	-	-	-	-	P	P	P	P	-	
Nursing care institution	P/C	P/C	S	S	S	-	-	-	-	-	4-47.
Post office	-	-	-	-	-	P	P	P	P	-	
Postal facility, neighborhood	P	-	-	-	-	P	P	P	P	-	
Progressive care community	P/C	S	S	S	S	-	-	-	-	-	4-50.
Public safety facilities	-	P/C	-	-	-	-	-	-	-	P/C	4-51.
Public safety facilities, including gun ranges	S	-	-	-	-	-	P	-	-	-	
Public safety stations including police, fire, and rescue services	P	P	P	P	P	P	P	P	P	P	
Public works and public utility facilities	P	S	S	S	S	P/C	P	P/C	P/C	P/C	4-52.
Radio and TV stations	-	-	-	-	-	-	-	-	P	-	
Schools, elementary and secondary, including school stadiums	P/C	P/C	P/C	-	-	-	-	-	-	-	4-60.
Schools, vocational or professional	P/C	P/C	P/C	-	-	-	-	-	-	-	4-61.
Telecommunication towers	S	-	-	-	-	-	-	-	P/C	-	4-63.
Transmission towers	S	-	-	-	-	-	P	-	P	-	
Utilities, above ground	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	4-66.
Utilities, below ground	P	P	P	P	P	P	P	P	P	P	
Utility service areas	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	4-67.
Yard waste composting	P	-	-	-	-	-	-	-	-	P	
<b>Professional Office and Medical Uses</b>											
Animal hospitals	S	-	-	-	-	-	P	-	P	P	
Clinics	-	-	-	-	-	P	P	P	P	-	
Commercial kennels or facilities	S	-	-	-	-	-	-	-	-	-	
Contractors' offices and storage yards	-	-	-	-	-	-	-	-	P	P	
Health services, miscellaneous	-	-	-	-	-	P	P	P	P	-	
Hospitals	-	S	S	-	-	-	-	-	-	-	
Medical and surgical offices	-	-	-	-	-	P	P	P	P	-	
Offices, business, professional and public	-	-	-	-	-	P	P	P	P	-	
Optical services	-	-	-	-	-	P	P	P	P	-	
Orthopedic supply houses	-	-	-	-	-	-	P	-	P	-	
Pharmaceutical manufacturing and distributing	-	-	-	-	-	-	-	-	-	P	
Pharmacy	-	-	-	-	-	P	P	P	P	-	
<b>Recreational Uses</b>											



Arenas	-	-	-	-	-	-	P/C	-	P/C	-	4-7.
Assembly halls, coliseums, armories, ballrooms, reception halls and exhibition buildings	-	-	-	-	-	-	P/C	-	P/C	-	4-7.
Golf courses	P	P	P	-	-	P	P	-	-	-	
Park and open space areas including athletic fields and playgrounds	P	P	P	P	P	P	P	P	P	P	
Recreational facilities, public or private	-	-	-	-	-	-	P/C	-	P/C	-	4-53.
Recreation services, indoor	S	-	-	-	-	-	P	P/C	P	-	4-54.
Recreation services, outdoor	S	-	-	-	-	-	P/C	-	P/C	-	4-54.
Recreational vehicle park	-	-	-	-	-	-	-	-	-	-	
<b>Residential Uses</b>											
Accessory dwelling unit-attached	P/C	P/C	P/C	P/C	P/C	P	P/C	-	P	-	4-2.
Accessory dwelling unit-detached	P/C	P/C	P/C	P/C	P/C	P	P/C	-	P	-	4-2.
Boarding and rooming houses, more than 3 boarders	P/C	-	-	-	P/C	-	-	-	-	-	4-11.
Boarding and rooming house for up to 3 boarders	P/C	P/C	P/C	P/C	P/C	P/C	-	P/C	-	-	4-11.
Cluster subdivisions	S	S	S	S	-	-	-	-	-	-	4-23.
Dormitory	-	-	-	-	-	-	-	-	-	-	4-29.
Duplex (two-family) dwellings	P/C	P/C	P/C	P/C	P/C	P/C	-	P/C	P/C	-	4-56.
Manufactured home parks	-	-	-	-	-	-	-	-	-	-	
Manufactured homes (Class A)	-	-	-	-	-	-	-	-	-	-	4-43.
Mobile home sales and display lots, commercial	-	-	-	-	-	-	P	-	P	-	
Multi-family dwellings	-	-	-	-	P	P/C	-	P/C	-	-	4-57.
Single-family dwellings	P	P	P	P	P	P	-	-	-	-	
Temporary dwellings	P/C	P/C	P/C	P/C	P/C	P/C	-	-	-	-	4-65.
Townhouse dwellings	-	-	-	-	P/C	P/C	-	P/C	-	-	4-57.
<b>Service Uses</b>											
Barber and beauty shops	-	-	-	-	-	P	P	P	P	-	
Cemetery	P/C	-	-	-	-	-	-	-	-	-	4.18.
Cemeteries, accessory to existing churches	-	S	S	S	S	-	-	-	-	-	
Personal services	-	-	-	-	-	P	P	P	-	-	
Services A, business	-	-	-	-	-	P	P	P	P	-	
Services B, business	-	-	-	-	-	-	P/C	P/C	P/C	-	4-62.
Terminal, bus or taxi	-	-	-	-	-	-	-	-	P	-	
<b>Miscellaneous Uses</b>											
Accessory communication antennae	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	4-1.
Adult establishments	-	-	-	-	-	-	S	-	-	-	4.3.
Airports	-	-	-	-	-	-	-	-	-	-	
Auction houses	-	-	-	-	-	-	-	-	P	-	
Bus repair and storage terminals	-	-	-	-	-	-	-	-	P	-	
Bus stations	-	-	-	-	-	-	-	-	P	-	
Campground, tents and RVs	-	-	-	-	-	-	-	-	-	-	
Circuses and carnivals	-	-	-	-	-	-	-	-	-	S	
Hazardous waste management	-	-	-	-	-	-	-	-	-	-	

facility												
Heliport	-	-	-	-	-	-	-	-	P/C	P/ C	4-39.	
Railroad stations and yards	-	-	-	-	-	-	-	-	P	P		
Recycling center	-	-	-	-	-	-	-	-	-	P/ C	4-55.	
Temporary seasonal uses and structures, including seasonal markets	P/C	-	-	-	-	P/C	P/ C	-	P/C	-	4-64.	
Taxicab stands	-	-	-	-	-	-	-	P	P	-		

## **ARTICLE IV. ADDITIONAL CONDITIONS FOR CERTAIN USES.**

***Note: These conditions apply only to uses “permitted with conditions” or by “special use permit” in the applicable zoning district as shown in section 3-7., table of uses. Some uses are also restricted relative to their proximity to the Yadkin River and certain streams due to potential impacts on water quality. For these restrictions, please refer to Article III in its entirety.***

### **4-1. Accessory Communication Antennae.**

- (A) No antennae or radio towers shall be permitted in the CB or TC district unless completely camouflaged or hidden from view at the street level.
- (B) No antennae or radio towers shall be permitted adjacent to legal, conforming residential uses or on residentially zoned lots except for small (<three foot diameter) dish satellite and television antennas located on the roof. Short wave radio antennas shall not be permitted.
- (C) If an antenna exceeds the height restrictions for the district in which it is located, it must be set back one foot from any adjacent property lines for each foot of height over the maximum for the district.
- (D) Accessory antenna shall be concealed within or have an exterior appearance as a permitted principal or accessory structure permitted in the district where located.

### **4-2. Accessory Uses, Buildings, Structures and Dwelling Units, Attached or Detached.**

- (A) An accessory dwelling may be attached, within, or separate from the principal dwelling.
- (B) The principal use of the lot shall be residential and the principal structure on the lot shall be a residential building (single-family, duplex, multi-family, or townhouse).
- (C) No more than one accessory dwelling shall be permitted on a single lot of record in conjunction with the principal dwelling unit.
- (D) The accessory dwelling shall be owned by the same person as the principal dwelling.
- (E) The accessory dwelling shall not be served by a driveway separate from that serving the principal dwelling unless the accessory dwelling is accessed from a rear alley and the principal dwelling is accessed from a street.
- (F) A detached accessory dwelling may be a dwelling only or may combine a dwelling with garage, workshop, studio, or similar accessory use.
- (G) A detached accessory dwelling shall be located in the rear yard.
- (H) The owner of the accessory dwelling shall live on the parcel containing the accessory dwelling.

- (I) Accessory buildings or structures located in the RA district shall be permitted only in a side or rear yard and shall not be less than ten feet from any property line except that in the case of corner lots, such buildings or structures shall be set back at least twenty-five feet from any side street right-of-way line.
- (J) Accessory buildings or structures located in the R-40, R-20, R-10, and R-8 district shall be permitted in a side or rear yard and shall be not less than ten feet from any property line except that in the case of corner lots, such buildings or structures shall be set back at least twenty-five feet from any side street right-of-way line.
- (K) Greenhouses and gardens which are incidental to a residential use and conducted on a non-commercial basis only shall be permitted provided that no greenhouse heating plant shall be located within sixty feet from any front property line or within thirty feet of any other property line.

**4-3. Adult Establishments.**

- (A) No adult establishment shall be located within 300 feet (determined by a straight line and not street distance) of the closest boundary line of any residential zoning district, or of any point on the closest property line of any church, school, day care, public park, residence or playground as measured by a horizontal straight line distance from the closest point on the closest boundary line of the property occupied by the adult establishment.
- (B) No adult establishment shall be located within 300 feet (determined by a straight line and not street distance) of any other adult establishment as measured by a horizontal, straight line distance from the closest point on the closest boundary line of the property occupied by each.
- (C) No more than one adult establishment may be located within the same structure.
- (D) Mini-motion picture booths shall be constructed without doors, and shall orient the customer entrance of each booth toward the principal sales counter.
- (E) Patrons of adult establishments shall be separated from entertainers, performers or entertainment employees by a minimum of six feet.
- (F) All performers or entertainment employees of adult establishments shall perform on an elevated stage or platform, elevated from the main floor by at least three feet.
- (G) No printed material, slide, video, photograph, written text, live show, or other visual presentation shall be visible to the public or an adjacent property or use, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- (H) Any retail establishment having more than an incidental amount, either in terms of the weight and importance of the material or in terms of greater volume of materials, of sexually oriented devices shall be classified an adult establishment and shall meet all of the requirements of this ordinance.

**4-4. Agriculture, Bona fide Farms.**

- (A) Outdoor storage of implements and equipment shall be located in the rear yard. Agricultural uses must maintain a minimum ten foot vegetated buffer, or equivalent control as determined by the soil and water conservation commission along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 scale (7.5 minute) topographic maps.
- (B) No pens, enclosures, buildings, or other structures intended or used for the containment of animals shall be permitted within 250 feet of the property line. This shall not include pastures, riding rings, or similar areas intended or used for the containment of animals in such small numbers that they do not present any significant offsite impacts related to noise, odor, or stormwater runoff.
- (C) Two or more principal buildings used as part of the bona fide farm operation may be placed on a single lot of record when such buildings meet the location requirements of this ordinance.

**4-5. Agriculture Implement Sales and Service.**

- (A) Outdoor storage of implements and equipment shall be located in the rear yard only.
- (B) Outdoor storage shall not occur within 250 feet of a legal, conforming residential use or residentially zoned lot.

**4-6. Amusements, Commercial, Indoor and Outdoor.**

- (A) Outdoor amusement facilities shall be separated by an opaque screen from any abutting property located in a residential district or containing a legal, conforming residential use.
- (B) No permanently established outdoor amusement facilities, such as miniature golf courses, skateboard courses, or mechanical rides shall be located within 500 of the closest point of any abutting property located in a residential district.
- (C) Hours of operation for either type of facility shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.
- (D) Agriculture fairs, carnivals, recreational, and entertainment activities provided that:
  - (1) The applicant for a special use permit shall provide proposed location, intended activities, operation schedule, site plan layout, or any other information deemed necessary to evaluate impact on the neighborhood or community in general.
  - (2) On a case-by-case basis, the council may regulate the use and location of proposed buildings, set time of operations, or specify other conditions necessary to assure protection to the neighborhood or community in general.

**4-7. Arenas; Assembly Halls, Coliseums, Armories, Ballrooms, Reception Halls, and Exhibition Buildings.**

- (A) The facility shall have direct access to a major arterial.
- (B) All facilities and structures related to the use shall be located at least 100 linear feet from any lot line and 500 linear feet from a residential district except that the Zoning Officer may waive part or all of this requirement where the design and location of the facilities or

structures conform to accepted urban design principals and are compatible with nearby and adjacent residential uses.

- (C) Two or more principal buildings used as part of an exhibition area or armory may be placed on a single lot of record when such buildings meet the location requirements of this ordinance.

**4-8. Automatic Teller Machines (ATMs).**

- (A) Automatic teller machines shall be permitted as accessory uses to banks and other financial institutions as either freestanding or attached facilities.
- (B) Automatic teller machines shall be permitted as accessory uses to any use when located on the inside of a building or when attached to the exterior of the principal building.
- (C) Automatic teller machines shall be permitted as freestanding facilities in shopping center parking lots only when the location of such facilities do not present a hazard to the motoring public using the parking lot and they are lighted and located in such a manner as to maximize the safety of the public using the facility.

**4-9. Banquet and Events Facilities.**

A facility for lease for private parties. Such facilities may or may not provide catering, photography, or similar services associated with private parties, weddings, birthdays and similar occasions.

- (A) Hours of operation shall be no earlier than 7:00 a.m. and no later than 1:00 a.m. when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.
- (B) Outdoor seating and entertainment areas shall not be permitted adjacent to a public street or within 50 feet of a residential use or a residentially zoned lot unless screened from view.
- (C) Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the facility shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the facility.

**4-10. Bed and Breakfast Establishment.**

- (A) The establishment shall serve only breakfast to registered guests of the establishment except that the establishment may also serve dinner to the general public for pay in the CB and HB districts.
- (B) The price of breakfast shall be included in the room rate.
- (C) The establishment shall be the permanent residence of the owner of the establishment and shall contain no more than a maximum of twenty guest rooms.
- (D) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard and overnight guest accommodations shall be in the principal structure only.

- (E) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

**4-11. Boarding or Rooming House.**

- (A) The house shall be the permanent residence of the owner of the establishment.
- (B) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.
- (C) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.
- (D) At all times the character of the use shall be residential and shall be designed and maintained to appear as a single-family use.

**4-12. Broadcast Studios, Radio and Television.**

Broadcast studios shall be permitted only when the applicant can adequately demonstrate that any antenna and/or transmission related to the use will not interfere with the normal and customary television and radio reception enjoyed by town residents.

**4-13. Building Contractors, General; Heavy.**

- (A) All outdoor storage of non-passenger vehicles and building materials shall be kept at least 100 linear feet from any adjacent lot containing a legal, conforming residential use and shall be located in a side or rear yard only.
- (B) Heavy building contractors shall not be located along major thoroughfares.

**4-14. Building Materials Supply.**

- (A) All outdoor storage of logs, lumber and building materials shall be kept at least 100 linear feet from any adjacent residential lot.
- (B) Storage of logs, lumber and building materials shall be located in a side or rear yard only.
- (C) Saw mills shall not be permitted except as accessory uses to a building materials supply establishment.

**4-15. Car Wash, Automatic or Full Service.**

- (A) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials.
- (B) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.

- (C) Car washes, vacuums, and similar service devices shall be a minimum of fifty feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.
- (D) Car washes accessory to a principal use shall be located in the side or rear yard only.
- (E) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

**4-16. Car Wash, Industrial.**

- (A) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials
- (B) Industrial car washes shall be permitted only as accessory uses to a permitted business or industrial use and shall be located in the rear yard only.
- (C) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- (D) Car washes, vacuums, and similar service devices shall be a minimum of 250 feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.
- (E) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

**4-17. Car Wash, Self-Service.**

- (A) All exterior walls and accessory washing areas shall be constructed so that they match the principal structure in design and materials
- (B) The outdoor service area of a car wash shall be placed and screened in accordance with the standards for on-site parking.
- (C) Car washes, vacuums, and similar service devices shall be a minimum of fifty feet from the nearest portion of an adjacent residential zoning district or lot containing a legal, conforming residential use.
- (D) Hours of operation shall be no earlier than 8:00 a.m. and no later than 11:00 p.m.

**4-18. Cemetery.**

- (A) Tombstones, crypts, monuments and mausoleums must be located at least fifty feet from any street right-of-way line or abutting property. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located. Gravesites shall also be set back at least twenty feet from any side or rear lot lines in cemeteries (or cemetery expansions).
- (B) Sales of crypts shall be allowed as an accessory use on premises (for cemeteries as a principal use only). No building in conjunction with such sales shall be located closer than twenty feet from any side lot line abutting a residential district and forty feet from any such rear lot line. Greater setbacks shall be observed if otherwise required by the zoning district in which it is located.



- (C) Notwithstanding any other provisions of this ordinance, a minimum of three acres shall be needed for any cemetery being developed as a principal use.

**4-19. Childcare Institution; Daycare Center.**

- (A) Outdoor play and/or recreation areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed. On corner or through lots, a minimum twenty foot setback as measured from the abutting street right-of-way line shall be required.
- (B) All outdoor play and recreation areas shall be surrounded by a fence or wall at least four feet in height.
- (C) Outdoor activities are limited to the fenced area between 8:00 a.m. and 9:00 p.m.
- (D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled. Adequate onsite turnaround area shall be provided for all loading/unloading and parking spaces.

**4-20. Church or Religious Institution, Community Scale.**

- (A) Exterior lighting shall be directed or screened so as to protect the privacy of the private living areas and associated open spaces of adjacent residential properties.
- (B) Convents, rectories, parsonages or similar uses may be placed on the site as accessory uses.
- (C) Accessory uses such as church offices, religious bookstores serving only the immediate congregation, parking lots, family life centers, multi-purpose facilities, outdoor recreational facilities, and day care centers on the same site or sites contiguous to the principal use shall be permitted. Similar uses on non-contiguous sites or on a site separated from the principal use by a public street shall be considered principal uses in their own right and be regulated as such.
- (D) Church accessory uses which are not permitted as principal uses in a district shall adhere to the following restrictions:
  - (1) No merchandise or merchandise display shall be visible from outside the building; and
  - (2) No business or identification sign pertaining to the accessory uses shall be visible from outside the building.
- (E) Except as noted in section (C) above, accessory uses not permitted as principal uses (including television stations, radio stations, printing presses, or sports complexes) are prohibited.
- (F) Direct access to the site shall be provided by a major or minor thoroughfare, as depicted on the most up-to-date version of the thoroughfare plan.
- (G) The minimum site area shall be three acres and the minimum setback shall be no less than twenty feet.

- (H) Two or more principal buildings used as part of the church or religious institution may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

**4-21. Civic, Fraternal, Cultural, and Community Facilities, Not Otherwise Listed; Private Non-Profit Club or Lodge.**

- (A) Such use has direct access to an arterial or collector street.
- (B) No active part of the site (buildings, parking, recreational areas, etc.) are permitted within fifty feet of an adjacent single-family residential use.
- (C) An auditorium or assembly hall is only permitted provided that:
  - (1) Such use is permitted as a principal use in the district; or
  - (2) Such use is limited to a seating capacity of no more than 150 people.

**4-22. Clubs, Private.**

- (A) Private clubs shall be open to members of the club and their guests only.
- (B) Hours of operation shall be no earlier than 7:00 a.m. and no later than 1:00 a.m. when the use abuts a residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from a residential use or a residentially zoned lot by a major arterial street.
- (C) Outdoor seating areas shall not be permitted adjacent to a public street or within 250 feet of a residential use or a residentially zoned lot.
- (D) Outdoor entertainment areas, except areas devoted strictly to seating, shall not be permitted.
- (E) Music, loud speakers, and similar noise devices shall not be permitted outdoors. Noise emanating from the club shall not exceed ambient noise levels in the surrounding area at a distance of more than 100 feet from any point of the property containing the club.

**4-23. Cluster Subdivisions.**

- (A) All lots within the development shall be accessed solely by interior streets, except that lots used for permitted non-residential uses may have driveway access to adjacent streets if approved by the town.
- (B) No non-residential use in the development shall be permitted within 150 feet of the perimeter of the development site unless the adjacent zoning district permits such use.
- (C) The overall density of the cluster subdivision shall not exceed that of an unclustered subdivision. Land "saved" by clustering shall be dedicated for open space according to the requirements of section 6-3.

**4-24. College or University.**

- (A) Schools shall be located on streets sized to accommodate normal traffic volumes of existing uses plus the additional traffic projected to be generated by the school(s).
- (B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
- (C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected height at maturity minimum six feet), six feet on center at installation.
- (D) Two or more principal buildings used as part of the college or university may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

**4-25. Commercial Stables.**

- (A) Commercial stables shall occupy a zoning lot containing not less than five acres.
- (B) Commercial stables, including any structures housing permitted veterinarian services, shall be set back not less than one hundred fifty feet from any adjoining zoning lot and one hundred feet from any street right-of-way.

**4-26. Community Center.**

Any community center having a seating capacity in excess of 500 persons shall have direct access to a major or minor arterial.

**4-27. Construction Vehicle and Heavy Machinery Sales, Repair, Leasing, Maintenance, and Storage.**

Outdoor storage of construction vehicles and heavy machinery associated with sales, repair, leasing, maintenance and storage operations shall be permitted according to the following standards:

- (A) Where permitted as an accessory use in conjunction with a building, the area of storage shall not be placed in any established yard abutting a street.
- (B) Where permitted as a principal use on a lot, the area of storage shall be no closer than forty feet from an abutting street right-of-way.
- (C) The area of outdoor storage shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the opaque screen.

**4-28. Day Care Home, Large and Small.**

- (A) A day care home must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling; all building and lot standards for residential dwellings shall be maintained.

- (B) No outdoor play shall be permitted after dark and care shall not be provided on a twenty-four hour basis in any residential district.
- (C) The facility shall be staffed by persons residing in the dwelling in which the day care is located except that up to one non-resident may report to work at a daycare home.
- (D) The day care shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.
- (E) The owner of the daycare home shall reside on premises.

**4-29. Dormitory.**

- (A) Dormitories shall be permitted only as accessory uses to a college, university, or boarding school.
- (B) In any residential zoning district, no more than two off-street parking spaces shall be provided in the front yard.
- (C) Off-street parking in the side and rear yards shall be screened in accordance with parking lot landscaping and screening requirements. Parking shall be placed on the lot in a manner designed to have the least physical impact on adjoining residential uses.

**4-30. Dry Cleaning, Laundry Plants and Pick-up Stations.**

- (A) Dry cleaning and laundry plants shall not be permitted within 500 feet of a residential use and shall only be permitted as separate freestanding facilities.
- (B) Pick-up stations shall be restricted to non-flammable cleaning products.

**4-31. Farmers Market.**

Farmers markets shall be permitted only when the products sold are locally grown food and floral produce or products made from such produce such as fruit preserves, candies, cakes, wreathes, etc.

**4-32. Feed and Seed Stores.**

All outdoor storage shall be kept at least 100 linear feet from any adjacent lot containing a legal, conforming residential use and shall be located in a side or rear yard only.

**4-33. Freight Terminals.**

- (A) All freight terminals shall be accessory to an industrial and/or business park or an individual industry or business use.
- (B) The area designated for truck parking shall be located no closer than forty feet from an abutting street right-of-way.

- (C) The area of truck parking shall be screened from view from the street(s) and from all abutting properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
- (D) The use shall be located on or have direct access to a major or minor arterial; truck terminals shall not be sited such that collector streets are regularly traversed to access the larger capacity road.
- (E) The area designated for truck parking and/or container storage (including trailer storage) shall be located no closer than fifty feet from public street right-of-way and no closer than 250 feet from a lot containing a legal, conforming residential use or residentially zoned lot unless separated by an arterial street or railroad right-of-way.
- (F) Truck parking areas are exempt from parking lot landscaping requirements but shall be substantially screened from view from public streets and from all abutting non-industrial properties by an opaque screen; wherever security fencing is desired, it shall be placed on the interior side of the screening materials.
- (G) The use shall be located on or directly accessible to a major or minor arterial, freeway, or railroad right-of-way. Terminals shall not be sited such that collector or neighborhood streets are regularly traversed to access a larger capacity road or railroad.

**4-34. Funeral Homes.**

Funeral homes shall provide a semi-opaque screen when abutting property located in a residential district or a lot containing a legal, conforming residential use.

**4-35. Gasoline Station, Large; Neighborhood.**

- (A) Hours of operation shall be no earlier than 6:00 a.m. and no later than midnight when this use abuts a lot containing a legal, conforming residential use or a residentially zoned lot. This restriction shall not apply where such use is separated from such residential use or a residentially zoned lot by a major arterial street.
- (B) Any accessory motor vehicle repair service shall store any wrecked, partially dismantled, or inoperative vehicles located on-site in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this ordinance for outdoor storage.
- (C) The overnight storage of all merchandise and vehicles shall be indoors and all repair work and similar activities shall be conducted entirely within enclosed structures.
- (D) All fuel pumps shall be located a minimum of twenty feet from any adjacent property line.
- (E) All fuel pumps and canopies shall be located in the side or rear yard only. On corner lots, fuel pumps and canopies located in side yards shall be on the side of the principal structure located away from the street intersection.

**4-36. Government-Owned Buildings, Facilities, and Institutions.**

Such uses shall not include storage, disposal, processing, or manufacture of hazardous or toxic materials as a principal activity. In addition:

- (A) These uses shall not create smoke, odor, dust, or noise, which would cause health hazard or nuisance to surrounding property.
- (B) All dangerous apparatus shall be enclosed by a chain link fence at least eight feet in height.
- (C) The maximum height of any building shall be forty-five feet, provided a fifty foot setback from the road right-of-ways and property lines is maintained. Buildings not exceeding thirty-five feet in height shall maintain setbacks as provided by section 5-2.(B).
- (D) These uses shall be limited to offices or to training, housing, incarceration, treatment, or care of individuals, unless otherwise included within the list of permitted or special uses of this district.
- (E) Two or more principal buildings associated with the government use may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

**4-37. Group Homes, A or B.**

- (A) The zoning lot on which the group home or care facility is proposed shall not be located within a one-half mile radius of a zoning lot containing another such facility.
- (B) The group home shall be located in a structure originally constructed as and designed for a single-family dwelling which shall be the principal structure on the lot. The structure shall not be altered nor the site used in any manner which diminishes its value as a single-family dwelling or which changes its exterior residential character.

**4-38. Habilitation Facility, A or B.**

- (A) Outdoor activity areas shall be located behind the front building line in the rear yard or side yard only. If located in the side yard, a minimum side yard setback of ten feet shall be observed. On corner or through lots, a minimum twenty foot setback as measured from the abutting street right-of-way line shall be required.
- (B) All outdoor activity areas shall be surrounded by a fence or wall at least four feet in height.
- (C) Outdoor activities shall be permitted only between the hours of 8:00 a.m. and 10:00 p.m.
- (D) At least one off-street passenger loading/unloading space separate from required parking shall be provided for each twenty people enrolled.

**4-39. Heliport.**

- (A) Heliports shall be permitted as accessory uses to hospitals only.
- (B) Landing pads for on-grade heliports shall be set back a minimum of 400 feet from any property line and 400 feet from buildings used for residential purposes, public or private schools, or public parks. These distance requirements may be reduced one foot for each one foot of the elevation above ground level for elevated heliports.

- (C) The heliport landing area shall be constructed of a material which is free of dust and loose particles which may be blown about by the down blast of the helicopter rotor.
- (D) Lighting is to be provided according to Federal Aviation Administration (FAA) requirements and is to be oriented as much as possible away from adjacent uses.
- (E) An on-ground landing area shall be surrounded by a fence or other barrier which prohibits access except at controlled access points. Adequate access for fire and other emergency vehicles shall be provided to on-ground sites.

**4-40. Home Occupation, Customary and Rural.**

- (A) A customary home occupation is permitted accessory to any dwelling unit (except manufactured housing) in accordance with the following requirements:
  - (1) The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the residential dwelling.
  - (2) A home occupation conducted in an accessory structure shall be housed only in a garage or other accessory structure typically associated with a dwelling.
  - (3) The use shall employ no more than one person who is not a resident of the dwelling.
  - (4) A home occupation housed within the dwelling shall occupy no more than twenty-five percent of the total floor area of the dwelling.
  - (5) There shall be no visible outside display of stock in trade which is sold on the premises.
  - (6) There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, except equipment or materials of a type and quantity that could reasonably be associated with the principal residential use.
  - (7) Operation of the home occupation shall not be visible from any dwelling on an adjacent lot, nor from a street.
  - (8) Only vehicles used primarily as passenger vehicles will be permitted in connection with the conduct of the home occupation.
  - (9) The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare, or other nuisances outside the dwelling or accessory structure housing the home occupation.
  - (10) Home occupations shall be limited to those uses which do not draw clients to the dwelling on a regular basis except that instruction in music, dance, voice and similar activities shall be limited to two students at one time.
  - (11) Outdoor kilns used for the firing of pottery shall be provided with a semi-opaque screen to obstruct the view from the street and from adjacent properties located in

residential districts, shall have a secured work area, and shall be a minimum of ten feet from abutting property lines.

- (12) No advertising signs shall be permitted.
- (B) Rural home occupations shall be permitted as accessory uses to residential uses located on tracts of ten acres or more located apart from any coordinated residential subdivision provided that the following requirements are met:
- (1) A building containing a rural home occupation shall be located no less than fifty feet from street right-of-way and at least thirty feet from any exterior property line where a lot line adjoins a residential or residential agricultural tract of land.
  - (2) In the case where a lot line adjoins a commercially zoned lot, the adjoining minimum required yard (rear, side and/or front) for any building containing a rural home occupation shall be as required for accessory buildings in the R-A, residential-agricultural district.
  - (3) A rural home occupation shall be contained entirely within one building with a maximum floor area of 2,000 square feet devoted to the use; and there shall be no outside storage of materials or equipment.
  - (4) One rural home occupation shall be permitted per lot.
  - (5) The operator of the rural home occupation must reside on the same parcel of land or on an adjoining parcel of land in his ownership, upon which the rural home occupation is located.
  - (6) No more than three people who do not reside on the premises may be employed by a rural home occupation.
  - (7) The rural home occupation shall not create smoke, odor, dust, or noise which would cause health hazard or nuisance to surrounding property.

**4-41. Kennel.**

- (A) Any structure which houses animals which is not fully enclosed shall be located at least 100 feet from any lot line and 250 feet from a residential or mixed-use district.
- (B) Any run located partially or wholly outdoors shall be located at least 100 feet from any lot line and 500 feet from a lot containing a residential use.
- (C) A maximum of ten weaned animals with a maximum of ten outside runs shall be permitted with up to 40 weaned animals with a maximum of fourth outside runs with the issuance of a special use permit by the Board of Adjustment.
- (D) Facilities shall at all times be maintained in neat and sanitary condition.
- (E) Two or more principal buildings used as part of the kennel may be located on a single lot of record when such buildings meet the location requirements of this ordinance



**4-42. Laundry and Linen Supply Service.**

Laundry and linen supply service establishments located within the NB district shall be neighborhood in scale.

**4-43. Manufactured Home.**

(A) *Design standards.*

In addition to the standards listed below, all manufactured homes shall meet the design standards for residential structures in the underlying district in which they are located except that the zoning administrator may exempt a home from one or more standards if such standard is determined to be impracticable.

(B) *Exterior finish.*

At a minimum, the exterior siding shall consist predominantly of vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint, wood or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

(C) *Roof construction and pitch.*

The roof shall be designed to have a minimum rise of four feet for each twelve feet of horizontal run and finished with a type of shingle that is commonly used in standard residential construction. Elevated roof pitches with dormers are preferred.

(D) *Placement of homes.*

All homes shall be placed on the lot in harmony with the existing site-built structures. Where no neighboring structures are available for comparison, it shall be sited with the front running parallel to the street providing access to the site. On corner lots the side with the greatest road frontage shall be considered the front. On cul-de-sacs, the home shall be sited with the front running parallel to the street access.

(E) *Chassis and tongue removal.*

The towing tongue shall be removed upon final placement of the unit.

(F) *Foundation.*

All manufactured homes shall be placed on permanent masonry foundations with no visible concrete block.

(G) *Decks and permanent steps.*

All manufactured homes shall have either a deck or porch with steps at each entrance constructed and installed in accordance with the standards set by the North Carolina State Building Code. The minimum square footage of the floor of such porch or deck shall measure at least thirty-two square feet.

**4-44. Motor Vehicle Repair and Maintenance.**

- (A) The lot containing such use shall be located at least 200 feet from any lot containing a legal, conforming residential use or residentially zoned lot.
- (B) A motor vehicle repair, service, body or paint shop which has wrecked, partially dismantled, or inoperative vehicles located on-site shall store these vehicles in an enclosed building or in a separate motor vehicle storage yard which meets the requirements of this ordinance for such yards.

**4-45. Motor Vehicle Sales, Rental and Leasing.**

- (A) Motor vehicle sales, lease, and rental lots shall front on a major or minor arterial.
- (B) Vehicles for sale or lease may be displayed in the established front yard under the following conditions:
  - (1) All new display areas must be paved; and
  - (2) No vehicle shall be displayed within fifteen feet of the street right-of-way; and
  - (3) A strip averaging eight feet in width, but in no case less than five feet in width, located in the area of the lot between the street right-of-way and the vehicle display area shall be heavily landscaped with evergreen shrubs and flowering plants which are suitable for this climate and the growing conditions present on the site. A recommended plant list for shrubs is available from the Town of Red Cross planning department. This strip shall be immediately adjacent to the vehicle display area. The number of plantings may be reduced if used in conjunction with and placed on the street side of an opaque, decorative wall at least two and one-half feet in height. This requirement is in addition to any other screening requirements established by this ordinance.
- (C) Outdoor storage of vehicles in process of repair and vehicles for sale or lease that are in the process of dealer preparation for buyer/lessee pick up are permitted as follows:
  - (1) Such storage areas are exempt from the interior landscaping requirements for parking lots. However, the perimeter landscaping requirements of parking lots shall apply to such storage areas and screen by an opaque fence.
  - (2) Such storage areas may only be located behind the principal building and/or its accessory buildings, and shall not be placed within 100 feet of any property line that abuts a thoroughfare or local public street.
- (D) Businesses are prohibited from using amplified speaker/public address systems except within fully enclosed building(s).
- (E) No more than twenty-five vehicles shall be permitted to be stored outside on the site at any given time.

**4-46. Nursery, Lawn and Garden Supply Store, Retail.**

- (A) Up to four storage containers/trailers are permitted to be placed on the lot.

- (B) Storage containers shall be set back a minimum of twenty feet from any adjoining property line or street right-of-way.
- (C) Where permitted as a principal use on a lot, the area of storage for live plants shall be no closer than ten feet from an abutting street right-of-way and the area of storage for all other items shall be no closer than forty feet from an abutting street right-of-way.

**4-47. Nursing Care Institutions and Congregate Care Facilities.**

- (A) Any facility which is licensed to have more than fifty residents shall maintain a side setback of at least twenty feet and a rear setback of at least forty feet when the side or rear yard is in or abuts a residential district.
- (B) Driveway access to accessory structures shall be through the main entrance to the facility.
- (C) Accessory structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- (D) Any portion of a building, which contains living areas, shall be set back a minimum of fifteen feet from internal driveways and parking areas. This standard shall only apply to the living areas of buildings which contain a mixture of uses such as offices, storage and living areas.
- (E) No single building shall be greater than 40,000 square feet if located within 500 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.
- (F) Two or more principal buildings used as part of the nursing care or congregate care facility may be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

**4-48. Outdoor Display and Sales of Merchandise.**

All display and sales of merchandise shall be conducted completely within enclosed buildings, except as accessory uses conducted expressly as detailed below:

- (A) Outdoor seating for restaurants provided that such:
  - (1) Shall not be located in any street right-of-way; and
  - (2) Shall be permitted only along the business' tenant bay or storefront façade; and
  - (3) Shall not block the entrance to the business or building.
- (B) Outdoor display or sales of merchandise accessory to a principal use provided that:
  - (1) Such merchandise shall not be located in any public street right-of-way and shall not block the entrance to the business or building; and
  - (2) Merchandise stored or sold on private property shall be screened from the public and adjacent residential uses with a minimum six foot opaque screen composed of vegetation, fencing, walls or a combination of such.

- (3) Storefront displays located on the public sidewalk or other public space as permitted by the town shall be located against the building façade, shall be permitted only along the business' tenant bay or storefront façade, and shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day.

**4-49. Parking Lot or Deck.**

Parking lots and decks not accessory to a building on the same development site shall meet all requirements elsewhere herein for such uses, except that:

- (A) Parking lots may be constructed up to the prevailing established setback line in developed areas or the required setback line in undeveloped areas. In developed areas the prevailing setback line shall be determined by existing structures lying within 300 feet in either direction on the same side of the same street as the proposed parking lot. If the proposed parking lot lies at a street intersection, the prevailing established setback shall be determined for both the fronting street and any abutting side street in the same manner.
- (B) Parking decks shall, to the maximum extent practicable, meet the design standards for buildings.

**4-50. Progressive Care Community.**

- (A) Accessory buildings shall only include accessory dwellings containing no more than four dwelling units or recreation centers and similar facilities, dining halls, and maintenance buildings. All other buildings shall be principal buildings the use of which shall be for multi-family dwellings, congregate or nursing care.
- (B) Driveway access to accessory structures shall be through the main entrance to the community.
- (C) Structures shall be arranged to provide for adequate on-site vehicular and pedestrian traffic.
- (D) Paved walkways shall be provided between accessory dwellings, the principal building, and all common facilities such as dining halls and recreation centers.
- (E) All lease/sale arrangements for accessory dwellings shall be under the direct control of the management company responsible for the progressive care community.
- (F) Principal and accessory buildings shall be predominately designed and constructed with architectural features common to residential structures including, but not limited to, the following features: roof pitch, façade material, and size, type and placement of windows and doors.
- (G) No single building shall be greater than 40,000 square feet if located within 500 feet, as measured in any direction from the closest point, from an adjacent residentially zoned lot.
- (H) No site shall have a density greater than ten units per acre for accessory residential dwellings. For the purposes of calculating density all land lying underneath and within twenty feet of any congregate care or nursing care facility and all loading/unloading,

garbage collection, and parking areas associated with congregate care or nursing care facilities shall be excluded from the total acreage.

- (I) A minimum of five acres shall be required. All land used for the progressive care community shall be contiguous and shall not be divided or transected by public roads, private roads granting easement(s) to tracts of land not included within the community, or natural features which would visually and functionally divide the development, including, but not limited to, preventing the free flow of pedestrian and vehicular traffic.
- (J) All structures are limited in occupancy to persons aged sixty-two years or older, the physically handicapped, and their spouses except for rooms or units occupied by resident staff personnel performing duties directly related to the operation of the facility.
- (K) Two or more principal buildings used as part of the progressive care facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

**4-51. Public Safety Facilities.**

- (A) Architectural drawings and site plans shall be submitted with each application for gun ranges intended for the training of law enforcement personnel demonstrating that the safe use of the property and its ability to integrate with the area in which it is located is possible.
- (B) Public safety gun ranges shall only be permitted in the RA district.
- (C) Two or more principal buildings used as part of the public safety facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

**4-52. Public Works and Public Utility Facilities.**

- (A) All outdoor storage of equipment and materials shall be located a minimum of 100 feet from public street rights-of-way and property lines of abutting residential uses.
- (B) To the maximum extent practicable, all outdoor storage of equipment and materials shall be screened from view of adjacent properties and public streets.

**4-53. Recreational Facilities, Golf Courses, and Driving Ranges, Public or Private.**

- (A) Hours of operation of public or private recreational facilities, golf courses, and driving ranges will be no earlier than 7:00 a.m. and no later than 11:00 p.m. for uses located in or abutting a residential district.
- (B) All outdoor swimming facilities shall be located at least 100 feet from any adjoining residentially zoned lot and shall meet the requirements for fencing as listed in section 8-21.
- (C) Private recreational facilities located in a residential zoning district shall be open to members of the club and their guests only.

- (D) Two or more principal buildings used as part of the recreational facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

**4-54. Recreation Services, Indoors and Outdoors.**

- (A) Service areas will be separated by an opaque screen from the view from any street and from abutting properties.
- (B) Chain link and similar fencing materials, if used, shall be planted on exterior side with evergreen shrubs minimum three feet in height and six feet on center at installation.
- (C) Outdoor lighting associated with outdoor recreational facilities shall not shine directly into yards of a residential use nor into the windows of a residential structure.
- (D) Hours of operation shall be no earlier than 6:00 a.m. for indoor facilities/events and no earlier than 7:00 a.m. for outdoor facilities/events. No facility shall operate after 11:00 p.m.
- (E) All outdoor activities must have a buffer strip as provided in section 6-2. on any side or rear lot line which abuts a residential district.
- (F) Two or more principal buildings used as part of the recreation facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

**4-55. Recycling Center.**

- (A) A fifty foot side and rear yard buffer shall be required for any site which abuts a residential or mixed-use district.
- (B) No outdoor storage of goods to be recycled shall be permitted. All such materials shall be enclosed within bins, buildings, or storage containers.

**4-56. Residential Building, Duplex.**

Duplexes are permitted on corner or through lots in any residential or mixed-use district according to the following standards:

- (A) The entrances to each unit shall face different streets.
- (B) The dwelling shall meet the minimum front yard setback from both streets upon which a unit faces.
- (C) The dwelling shall be designed and sited to complement and coordinate with the neighborhood in which it is located.

**4-57. Residential Building, Multi-Family; Townhouse.**

- (A) Primary access to the development site shall be from a state or town maintained street. The developer may be required to provide turn lanes and other off-site transportation improvements to insure safe and adequate access.

- (B) On small infill development sites in residential districts, multi-family buildings shall be designed to blend in with surrounding single-family residential buildings to the maximum extent practicable with regards to setbacks, driveway and garage orientation and location, porches, and sidewalks.
- (C) Site designs shall create a sense of “neighborhood” and shall include:
  - (1) An internal vehicular circulation system for private streets, when included, that is reflective of a single-family residential street system.
  - (2) Buildings that are sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots.
  - (3) Parking lots that are located behind buildings or screened from view from internal streets, except where it is deemed appropriate to use a parking lot as a buffer from an arterial street or where such parking area will directly abut a property line exterior to the development site when located in or adjacent to a residential district.
  - (4) Walkways that connect all buildings with parking areas, play areas, clubhouses, and existing public sidewalks adjacent to the development site.
  - (5) Plazas, clubhouses, pools, and recreational facilities which are centrally located, when provided.
- (D) Two or more principal buildings used as part of the multi-family complex shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

**4-58. Restaurant, With/Without Drive-Through Service.**

- (A) All restaurants with drive-through service shall provide a minimum of five stacking spaces associated with each drive through window.
- (B) No required or intended stacking spaces shall block the safe flow of motoring and pedestrian traffic within the parking lot.
- (C) Drive-through facilities located closer than 300 feet to a residential use shall operate no earlier than 6:00 a.m. or later than 12:00 a.m.
- (D) No part of the active use area of a drive-through restaurant shall be located closer than 300 feet to a lot containing a legal, conforming residential use.
- (E) All restaurants located within the NB district shall be limited to a capacity of 80 seats.
- (F) All restaurants that abut residential districts shall be screened entirely from view of adjacent residential properties by an opaque fence and/or vegetative screen to a minimum height of six feet. Such screen shall meet the minimum height requirement at the time of issuance of a certificate of occupancy.

**4-59. Retail.**

- (A) No outside storage shall be permitted unless preapproved by the Zoning Officer and shown on the site plan as part of the certificate of zoning compliance.

- (B) All proposed areas for outside display and storage shall be clearly marked on the site plan, including but not limited to, open displays of garden supplies, equipment, and other materials and any cargo containers, tractor trailers, storage buildings or similar structures used or intended to be used to contain materials for sale, maintenance, construction, etc.
- (C) The parking of recreational vehicles overnight or camping in any manner on any portion of the lot shall be prohibited.
- (D) Any area intended for use by vendors, civic groups, and other parties either on a temporary or permanent basis for outdoor display, sales, fundraising, etc. shall be clearly marked on the approved site plan.
- (E) Should a structure and/or lot containing an approved retail establishment become vacant, the exterior of such structure and lot shall be maintained by the owner in the same manner as during occupancy including the condition of landscaping, paved surfaces, exterior lighting, façade, etc. The reuse of the structure or lot for any purpose shall be approved by the Zoning Officer prior to such reuse.

**4-60. Schools, Elementary and Secondary, Including School Stadiums.**

- (A) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.
- (B) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.
- (C) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
- (D) Senior high schools shall be on a lot which abuts an arterial and primary vehicular access shall be provided from the arterial.
- (E) Schools shall be planned, sized and sited to serve as community assets and to integrate with and complement surrounding development. Whenever possible, large schools on greenfield sites away from town should be avoided.
- (F) Two or more principal buildings used as part of the school facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.
- (G) The school shall submit an engineered traffic study as part of the approval process and shall be certified to the findings.

**4-61. Schools, Vocational or Professional.**

- (A) Schools shall be located on streets sized to accommodate traffic volumes of background uses plus the additional traffic projected to be generated by the school(s).
- (B) Accessory and incidental buildings shall be placed within established rear yards and side yards that do not abut a street.



- (C) Where chain link and similar fencing material are installed in an established yard abutting a street, such fencing shall be planted on the exterior side with evergreen shrubs minimum three feet in height (expected minimum height at maturity is six feet), six feet on center at installation.
- (D) Truck driving schools with outdoor maneuvering areas shall not be permitted.
- (E) Schools shall be planned, sized and sited to serve as community assets and to integrate with and complement surrounding development.
- (F) Two or more principal buildings used as part of the school facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.
- (G) The school shall submit an engineered traffic study as part of the approval process and shall be certified to the findings.

**4-62. Services B, Business.**

All storage, repair and maintenance of equipment shall occur inside an enclosed building or shall be restricted to the rear yard and screened entirely from the view of adjacent lots and public streets.

**4-63. Telecommunication Towers and Facilities.**

- (A) Telecommunications towers and facilities are allowed only as special uses in the RA and GB districts.
- (B) Each application for a special use permit shall be accompanied by plot plans showing:
  - (1) The actual dimensions of the lot to be built upon or leased. If leased, then also the dimensions of the lot on which leased portion is located.
  - (2) The size and height of the tower to be erected.
  - (3) Tower type (e.g., monopole or lattice).
  - (4) The location of any existing structures on the lot, if any.
  - (5) The distance to the nearest residential structure.
  - (6) Setbacks or the collapse zone. If collapse zone is used, documentation verifying the collapse zone dimensions.
  - (7) Other information as may be essential and any information requested by the board of adjustment which is necessary for determining whether the provisions of this ordinance are met.
- (C) Requests for special use permits can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. The following factors may be used to evaluate a tower for aesthetic reasons:

- (1) The effect of the tower on the public view of scenic areas, unique natural features, scenic roadways, etc.
  - (2) A concentration or threat of concentration of towers in one specific area.
  - (3) The ability to modify the height, design, placement, and other characteristics of the tower to have a less intrusive visual impact on the town.
- (D) *Supplementary regulations for new telecommunications towers, antennae, and facilities.*

If it is determined that telecommunications providers cannot: 1) provide an adequate service level from co-locating on an existing telecommunications tower; 2) locate on an existing Duke Power transmission tower or similar structure; or 3) locate camouflaged antennae within an existing structure, then telecommunications towers and facilities will be allowed, subject to the following regulations in addition to applicable requirements set forth in each underlying zoning district and elsewhere in this ordinance:

- (1) All telecommunication towers shall be of a monopole design and construction. All monopoles must be designed to “telescope” or collapse inward unless documentation can be provided to prove that such design is not feasible.
- (2) It is the intent of the Town of Red Cross to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in the town. Unless it is determined to be unfeasible, new communications towers should be capable of supporting additional communications antennas. This will assist the town in reducing the total number of towers in the town. The town requires providers to negotiate in good faith with other providers to lease space at a reasonable cost and for reasonable terms, and to publicize the fact that space is available on a lease basis as part of the certificate of zoning compliance process.
- (3) The maximum allowable height of a tower is 199.9 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (e.g., cannot provide a reasonable level of service in the area). The height of the tower or structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.
- (4) Where a telecommunication tower is to be located on a lot with an existing principle use, the tower shall be located in the rear yard only. In addition, a recorded easement for an access road at least twelve feet wide shall be maintained by the property owner and/or the applicant from a public street to the tower for use by service and emergency vehicles.
- (5) The town encourages stealth tower locations. Telecommunications towers which can locate in or on an existing structure or which can be camouflaged to resemble a tree (not a flagpole) are encouraged. Or towers which are located in a stand of trees, rather than in an open field, are preferred.
- (6) Towers are prohibited on the top of buildings or structures in all the residential and business underlying zoning districts. In the industrial underlying zoning districts, towers may be permitted on roofs or walls after submittal of a report by a qualified and licensed professional engineer indicating the existing structure’s suitability to accept the antenna, and the proposed method of affixing the antennae to the

structure. Complete details of all fixtures and couplings, and the precise point of attachment shall be indicated, for review by the board of adjustment.

Towers on roofs may be allowed when the tower height: a) does not exceed more than thirty percent of the height of the building; or b) is no more than fifty feet above the building/structure, whichever is less. Towers on roofs or walls shall be screened, constructed, and/or colored to match the structure to which they are attached.

- (7) The town recognizes that telecommunications facilities (both towers and co-locators) cannot be prohibited, nor can a request for a telecommunications tower be denied on the basis of environmental or health concerns relating to radio emissions if the telecommunications equipment and facility complies with the federal radio frequency emission standards. The town requires that each applicant for a certificate of zoning compliance must provide documentation proving that their telecommunications equipment complies with the federal radio frequency emission standards.
- (8) All accessory structures on the ground which contain switching equipment or other related equipment should be architecturally compatible with surrounding buildings and land uses in the underlying zoning district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. This means structures with pitched roofs, made of local construction materials, such as brick, wood, stone, or vinyl lapped siding.
- (9) A minimum eight-foot high chain link fence is required immediately around the telecommunications tower and any equipment building(s) since the tower can be considered an attractive nuisance. Barbed wire shall be used along the top of the fence and access to the tower area and equipment buildings shall be through a locked gate. The board of adjustment may waive fencing requirements for stealth towers and other types of structures if the fencing serves no useful purpose.

*Note: Applicants building new towers shall plan the fence and screening (see below) to accommodate all future providers on the site such that the fence and screening materials surround the land designated for all future equipment buildings and the tower.*

- (10) Landscape screening shall be required along the outside area of the perimeter-fenced area(s) to mitigate the visual impacts of the tower and equipment buildings from nearby viewers. Landscape materials shall consist of evergreen shrubs planted with a twenty foot screen/buffer with twelve trees [one-third shall be evergreen] and twenty shrubs required per 100 feet of buffer strip. Evergreen shrubs should be of a size expected to reach a minimum of six foot in height at maturity. Trees may be evergreen or deciduous. All landscaping shall be xeriscape (drought) tolerant or irrigated to ensure good health and vitality.

Screening requirements shall not apply to telecommunications providers who have camouflaged (stealth towers) towers or who have located antennas within another structure (such as a steeple), or who have co-located on an existing tower. Nor shall screening apply when an antenna will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.

The board of adjustment may waive any or all of the screening requirements upon determining that the existing topography or existing natural materials on site will screen the property as effectively as the required screening, provided that the spirit and intent of this subsection are met. The board may also waive screening on those sides of the proposed tower that are located adjacent to undevelopable property. Such a waiver may not be sought to relieve the screening requirement for towers to be located adjacent to vacant properties or along any public right-of-way. Undevelopable property shall constitute any such property or land that is unable to be used as a building site (e.g., a floodplain, etc.).

a) Plant standards and plant installation standards.

- 1) Minimum tree caliper measured six inches above ground on all trees shall be two and one-half inches and the minimum height shall be eight feet.
- 2) Shrubs must be at least two feet tall when planted and shall be of a variety and adequately maintained so that an average height of five to six feet could be expected as normal growth within three years of planting.
- 3) All plant material installed shall be free from disease.
- 4) Plant materials shall be planted in accordance with generally accepted and recommended planting and growing practices.
- 5) All plant material shall be installed in a fashion that ensures the availability of sufficient soil and water to sustain healthy growth.

b) *Landscaping maintenance.*

The plantings that constitute a required landscaping shall be properly maintained in order for the landscaping to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris and to keep plantings healthy. Any vegetation that constitutes part of a screen shall be replaced in the event that it dies.

- (11) Minimum setback requirements for free-standing towers shall be one foot for every one foot of actual tower height (e.g., a 199.9 foot tower would require a 199.9 foot setback on all sides), or the documented collapse zone, whichever is less. These setback requirements are applicable on all sides of the property including any side along the road right-of-way, and for all leased areas of a parcel. The purpose of these setback requirements is to prevent icfall materials and/or debris from tower failure or collapse from damaging off-site property. For the purpose of establishing setbacks, the measurements shall be from the edge of the concrete base on which the tower is located, unless the tower is located in a leased area. Setbacks for towers located on leased parcels shall be measured to the edge of the parcel in which the leased area is located.

The board of adjustment may reduce minimum setback requirements, if warranted, or to allow the integration of a tower into an existing or proposed structure such as a church steeple, light standards, power line support device, or similar structure.

- (12) All towers shall be a minimum of 300 feet from the nearest residential dwelling unit.
- (13) Telecommunications providers who are leasing a portion of a lot for the proposed telecommunication tower shall obtain written a signed certification from the property owner that no future development or subdivisions or leased portions will be made within the established setbacks of the telecommunication tower until such tower is removed from the site (e.g., is abandoned and removed by the provider). This does not apply to telecommunication providers seeking to co-locate on an existing tower.
- (14) Towers and related facilities must be removed by the applicant and/or property owner upon abandonment of the tower (no longer used for its original intent) for a period greater than ninety consecutive days. Such removal (clearing from the site) shall take place within six months of the first day the tower was abandoned, and be completed within this same six month period. It shall be the responsibility of the applicant to notify zoning enforcement officer when the tower has been abandoned for greater than ninety days. A sufficient bond to the town shall be submitted to the zoning officer each July 1, with a written estimate for removal of such tower by a contractor.
- (15) Towers having a height of 199.9 feet or less shall not contain lights or light fixtures at a height exceeding fifteen feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce glare onto adjacent properties. It is recognized that towers over 200 feet in height require night time strobe lights as per the Federal Aviation Administration (FAA).
- (16) Freestanding telecommunications towers should be located to avoid a dominant silhouette on ridges or in open fields.
- (17) Any planned increase in tower height to an existing approved telecommunication tower shall require the provider to apply for a special use permit. Once the permit has been approved by the board of adjustment, a zoning compliance authorization can be issued to permit the increase in tower height.

Normal maintenance and repair of the structure can be completed without the issuance of a certificate of zoning compliance at the discretion of the zoning enforcement officer.

- (18) Applications by providers to use co-location space on a legally conforming existing tower shall be permitted by right provided that the tower height is not increased. The issuance of a certificate of zoning compliance shall be required.

If the co-locator or owner proposes to increase the tower height on an existing legally conforming telecommunications tower a certificate of zoning compliance shall be required.

- (19) Freestanding signs are prohibited. Wall signs shall be limited to: a) identification signage allowed on equipment structures or fences surrounding the telecommunication tower/structure provided it does not exceed nine square feet in

size; and b) "no trespassing" signs, "danger - high voltage" signs, and other similar warning signs shall be installed to discourage trespassing by unauthorized persons. Signs shall be installed and/or mounted on the perimeter fence, and/or on the tower at its base.

- (20) The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a zoning compliance authorization. Once such authorization is approved, documentation of adequate insurance must be provided to the zoning administrator every twelve months.
- (21) Outdoor storage of equipment or other related items is prohibited.
- (22) Associated telecommunications equipment buildings located in any zoning district shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (23) All applications for a special use permit or certificate of zoning compliance, or any amendment to an existing certificate of zoning compliance must include the following information in addition to any other applicable information contained in the zoning ordinance:
  - a) Identification of intended provider(s);
  - b) Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable. A statement about the general capacity of the tower in terms of the number of additional providers, or co-locators, it is designed to accommodate.
  - c) A statement from the provider indicating intent to allow shared use of the tower and how others will be accommodated;
  - d) Documentation that all property owners of residentially zoned property within 300 feet of the edge of all sides of the property (for leased sites this means the edge of the larger parcel in which the leased portion is located), as well as adjacent property owners, have been notified by the applicant of the proposed tower height and design. Notification of property owners is also required for amendments to an existing certificate of zoning compliance.
  - e) Documentation that the telecommunication equipment complies federal radio frequency emission standards;
  - f) Documentation that towers over 199.9 feet are necessary for a minimal level of service;
  - g) A site plan(s) drawn to scale, identifying the site boundary, tower(s), existing and proposed structures, including equipment buildings, access, fencing area, fall radius and landscape screening, detailing the type of landscaping, amount of plantings, and location. A site plan is not needed for providers who are seeking co-location on an existing legally conforming tower, when the equipment building is to be located within the existing fenced area.
  - h) Documentation of monopole tower or lattice tower collapse area, if applicable.

- i) Expert testimony that demonstrates to the satisfaction of the board of adjustment that the provider has explored all means for stealth tower locations and co-location opportunities, if applicable.
  - j) Evidence may consist of the following:
    - 1) Existing or approved telecommunications towers with available co-location space are not located within the search area.
    - 2) Existing or approved towers or structures are not of sufficient height to meet the provider's specifications.
    - 3) Existing or approved towers or structures do not have sufficient structural strength to support the applicant's proposed antennae.
    - 4) The provider's proposed antenna would cause objectionable radio frequency interference with existing or planned antennae on an existing or planned tower, (e.g., the spacing requirement between antennae cannot be met).
    - 5) Existing or approved towers lack co-location space.
    - 6) If it is determined that an existing tower does not have the structural strength or integrity to support additional antennae and associated equipment, then the proposed provider shall provide documentation that the existing tower can not be structurally strengthened to accommodate an additional user.
- (24) Towers shall not restrict or interfere with air traffic or air travel to and from any existing or proposed public or private airport. All proposed towers shall comply with the Federal Aviation Administration (FAA) standards.
- (25) The following requirements apply for a telecommunications tower certificate of zoning compliance:
- a) Decisions by the board of adjustment to approve or deny a certificate of zoning compliance for a telecommunications tower must be in writing to the applicant, along with detailed reasoning for the approval/denial, as per federal law.
  - b) The applicant and the public are requested to submit their comments and arguments in writing prior to addressing the board of adjustment at the public hearing, as suggested by federal law.
  - c) The decision of the board of adjustment must be based upon substantial evidence, which shall be recorded in the minutes.
  - d) In determining if a telecommunications tower should be approved/denied, the board of adjustment may take into account the tower's harmony with the surrounding area and its compatibility with adjacent properties. The aesthetic effects of the tower, as well as any mitigating factors concerning the aesthetics may be used to evaluate the telecommunications tower request. In

reaching a decision, the board of adjustment may request the height, design, screening, placement, or other characteristics of the tower be modified to produce a more harmonious situation.

(E) *Supplementary regulations for telecommunications antennae and associated equipment locating on existing towers and structures.*

- (1) Applications by providers to use co-location space on a legally conforming existing telecommunications tower shall be allowed by right provided that the tower height is not increased. Any co-location which will result in an increase to the tower height, shall require the co-locator or applicant to apply for an amendment to the telecommunications tower certificate of zoning compliance, allowing an increase in tower height if the tower existed prior to the adoption of these regulations.
- (2) Provided the structural integrity of the structure/tower is not compromised or diminished as determined or documented by a licensed professional structural engineer, telecommunications antennae and its associated equipment buildings may locate on any Duke Power transmission tower, water tank/tower, or similar structures by right in all underlying zoning districts so long as the addition does not increase the original height of the existing structure or tower, when zoning compliance authorization has been approved. Such antennae shall be painted to match the color of the building/structure or the background against which it is most commonly seen. Note: No antennae used for the purpose of telecommunications shall be mounted on any structure used solely for residential purposes.
- (3) The town requires that each applicant shall provide documentation proving that their telecommunications equipment complies with the federal radio frequency emission standards.
- (4) Screening requirements shall not apply to telecommunications providers who camouflage antennas within another structure (stealth locations) such as a church steeple, or co-locate on an existing tower. Nor shall any screening apply when an antennae will be mounted on an electrical transmission tower or on structures such as a water tower/tank, grain silos, etc. or similar structures.
- (5) Outdoor storage of equipment or other related or non-related items are prohibited.
- (6) The associated telecommunication antennae equipment buildings located in all underlying zoning districts shall not be used as an employment center. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (7) Telecommunications antennae and associated equipment shall not restrict or interfere with air traffic or air travel to or from any existing or proposed public or private airport. All proposed towers shall comply with Federal Aviation Administration (FAA) standards.

**4-64. Temporary Seasonal Uses and Structures, Including Seasonal Markets.**

The establishment of temporary sales lots for Christmas trees and other seasonal agricultural products, plus related goods, are permitted for up to a maximum of three months upon the issuance of a temporary use certificate of zoning compliance by the zoning administrator. The following conditions and exceptions shall apply.



- (A) No more than one trailer shall be used to store goods for sale.
- (B) The use may only be located on a vacant lot, on a lot occupied by a nonresidential use, or on the site of a bona fide farm operation.
- (C) Off-street parking may be provided behind or to the side of the established use, but not forward of the required front setback.
- (D) On-site parking may be provided on a dust-free, pervious surface area and need not comply with additional paving requirements.
- (E) Such uses shall not include flea markets or any sales of merchandise or products not related to the seasonal sale of agricultural produce.
- (F) Farm-type enterprises when considered as being part of bona fide farms such as plant nurseries, commercial greenhouses, fruit or vegetable packing sheds, retail sale of products grown on premises, hatcheries, tobacco storage for sales, and similar commercial and processing activities shall be permitted in the RA district without a certificate of zoning compliance unless new parking, driveways, or structures are required.

**4-65. Temporary Units and Temporary Dwellings.**

- (A) A temporary certificate zoning compliance may be issued for a period of one year, according to specific use and other requirements of the zoning district in which the unit is to be located, under the following circumstances: 1) an urgent hardship situation is established upon review by the zoning enforcement officer. Such hardship shall involve loss of a principal dwelling due to disaster; 2) housing need of parents or dependents of the family occupying the principal dwelling, considering factors such as illness, need to care for elderly, lack of space within the principal dwelling; or 3) financial hardship. All state and local laws also shall apply.
- (B) Extensions shall be possible only upon administrative review by the board of adjustment establishing continued hardship, except that financial hardship alone shall not be the basis for any extension. Extensions shall be granted in one year increments. No more than two extensions shall be permitted.
- (C) The zoning enforcement officer may approve a temporary certificate of zoning compliance of a camper or other mobile unit to be used as an office by a builder during construction in any district. Certificate of zoning compliances for two consecutive six-month periods may be issued provided that construction is carried on diligently. Any further extension of certificate of zoning compliances for temporary units shall be approved as provided in section 9-3. No temporary unit shall be used as temporary living quarters unless approved as provided by section 9-3.
- (D) All other applications not meeting the above conditions may be taken before the board of adjustment for review under variance procedures as presented in section 9-8.

**4-66. Utilities, Above Ground.**

- (A) Utility distribution lines, which deliver service to the end user from a substation fed by a transmission line providing service to an area larger than the individual parcel or project

area, shall be installed underground, unless subsurface conditions make underground installation not possible or practical.

- (B) Facilities used for the operation of above ground utilities shall, whenever possible, be located on interior properties rather than on properties aligned with other lots that have continuous street frontage and may include one or more principal structures on a single lot of record when such buildings meet the location requirements of this ordinance.
- (C) Areas around water towers, water and wastewater treatment facilities, substations, and power plants shall be enclosed by a fence, not easily climbable, at least six feet in height. The fence shall be located at least twenty feet from any public street right-of-way and abutting property line and shall be planted on the exterior side with a semi-opaque vegetative screen with expected height of at least six feet at maturity.
- (D) All buildings shall (except public utility cabinets) be set back at least twenty feet from all property lines and shall be designed and landscaped in such a way as to blend in with the surrounding area.

**4-67. Utility Service Areas.**

All equipment associated with a utility service area shall be designed and installed to be as inconspicuous as possible; shall not interfere with the installation or enjoyment of public facilities or facilities that serve the public such as sidewalks, bike paths, and driveways; and shall be installed away from public streets and residences to the maximum extent practicable.

**4-68. Veterinary Services.**

- (A) Any structure which houses animals which is not fully enclosed shall be located at least 100 feet from any lot line and 250 feet from a legal conforming residential use or lot located within a residential or mixed-use district.
- (B) Any run located partially or wholly outdoors shall be located at least 100 feet from any lot line, except in the GB district where such lot line abuts another lot zoned GB, in which case all runs shall be at least 50 feet from that lot line.
- (C) Any run located partially or wholly outdoors shall be located at least 250 feet from a lot containing a legal, conforming residential use or lot located within a residential or mixed-use district.
- (D) Facilities shall at all times be maintained in a neat and sanitary condition.
- (E) Two or more principal buildings used as part of the veterinary facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance.

**4-69. Warehousing, Self Storage.**

- (A) Self storage warehouse spaces shall be used for storage only. No space shall be leased for any other purpose other than storage at any time.
- (B) Outside storage shall be screened and shall not be located closer than 100 feet to a residential or mixed-use zoning district or a lot containing a legal, conforming residential use.

- (C) All driveways and parking areas between and around buildings shall be paved with asphalt or concrete including parking areas for the storage of boats, recreational vehicles and similar vehicles.
- (D) Two or more principal buildings used as part of the warehouse facility shall be permitted on a single lot of record when such buildings meet the location requirements of this ordinance

**4-70. Waste Transfer Station, Recycling Only.**

- (A) Waste transfer stations shall be limited to the collection and transfer of household recyclables.
- (B) Recyclable materials from residential sources shall be limited to tires, scrap metal such as lawnmowers and play equipment; white goods such as refrigerators, clothes dryers and stoves; lead acid batteries; motor oil; cardboard; and other recyclables of residential origin.
- (C) The site shall be screened from the street(s) by a screen composed of a masonry wall or a solid fence, planted on the exterior side with a semi-opaque vegetative screen with expected height of at least eight feet at maturity; security fencing shall be placed on the interior side of the vegetation and wall or fence; existing vegetation shall be preserved to the extent practicable and supplemented with new plantings as may be required to provide a year-round opaque buffer from abutting properties.
- (D) The active use areas of the site shall be separated by a 100 foot buffer from all adjacent properties and shielded by an opaque screen from all public streets.
- (E) That active use portions of the site will be entirely fenced with non-climbable fencing material to a height of at least six feet, which shall be installed on the interior of the buffer and screen at least twenty feet from a public street right-of-way and 100 feet from abutting property lines.
- (F) No active area will be located within 100 feet of any property line nor within 200 feet of abutting property located in a residential district or developed for residential, institutional, or mixed-use.
- (G) Vehicular access to the proposed use will not be provided by a minor collector or neighborhood street, and access roads to the site will connect directly to a designated arterial.



## **ARTICLE V. DESIGN STANDARDS.**

### **5-1. Purpose and Applicability.**

In order to insure that new development, renovations, and reconstructions are designed, sized, and sited to complement the area in which they are located and the character of the town in general; and to minimize traffic hazards and situations which endanger public safety; and to protect existing development and property values through the promotion of high standards of design and compatibility; and to provide for a high quality of life for our citizens by promoting a variety of housing styles, transportation choices, and well planned parks and open spaces; the following standards shall apply to all commercial, mixed use, and multi-family residential development in all zoning districts unless otherwise noted.

### **5-2. Design Standards for Buildings.**

#### **(A) *Arcades, awnings and canopies.***

*In order to promote the appropriate use of arcades, awnings, and canopies, the following standards shall apply to all arcades, awnings, and canopies on all buildings, unless otherwise noted.*

- (1) Awnings and canopies, where provided, shall be placed at the top of window and door openings and shall relate to the shape of the top of the window or doorway.
- (2) Awnings and canopies shall be made of canvas or similar material. Vinyl or metal awnings shall not be used unless they are constructed and designed to successfully mimic the style and appearance of canvas awnings or unless they are constructed of copper and designed as accent pieces for windows or doors.
- (3) No awning, which encroaches on a sidewalk, shall extend out from the building more than two-thirds the width of the sidewalk or nine feet, whichever is less, nor shall it at any point be less than seven and one-half feet above the sidewalk.
- (4) Awnings and canopies shall be self-supporting from the wall; no supports shall rest on or interfere with the use of pedestrian walkways or streets.
- (5) In no case shall any awning, canopy or arcade extend beyond the street curb or interfere with street trees or public utilities.
- (6) Where provided, arcades shall cover the entire sidewalk from the building front to the sidewalk edge, but shall not extend continuously from one building to the next.
- (7) Where provided, arcades shall be designed as an integral part of the building and as such shall relate in design, placement, material, color, and scale to the building façade.

#### **(B) *Building height and width.***

*In order to define urban street space, foster compatibility between development sites, and to emphasize the downtown as the core of the community, the following standards shall apply to all buildings, unless otherwise noted.*

- (1) Additions and new construction adjacent to and within the central business district should maintain the existing building wall pattern by extending the building front from side lot line to side lot line, except that an appropriate architectural wall or similar design feature may be used instead of a building extension.

(C) *Building presentation.*

*In order to have buildings that successfully address public streets and public places, the following standards shall apply to all buildings, unless otherwise noted.*

- (1) Building façades shall be substantially parallel to the front property line except that:
- a) Corner buildings may be oriented to address the corner; and
  - b) Buildings interior to a development site may be arranged to front a common courtyard, parking area, driveway, or private street.
- (2) All development sites shall front public streets.
  - (3) Any side of a building that is not intended to serve the public shall be screened from public view and the view of adjacent properties to the extent that all loading, storage, solid waste, maintenance equipment (brooms, mops, buckets, etc.) and similar items are not visible to the public.
  - (4) Any side of a building that faces an arterial or collector street shall be treated as a building façade.
  - (5) All buildings in the CB district shall be required to be built on an established build-to line that is the same as the property line (zero lot line construction).

(D) *Exterior materials.*

*In order to have buildings clad with a type, texture, and color of material that relates to natural material elements found in Stanly County, and which respects our county's history and the area of town in which the building is located, the following standards shall apply to all building exteriors, unless otherwise noted.*

- (1) Concrete block is prohibited as an exterior material on all buildings; however, textured or patterned concrete block which mimics the appearance of brick, stone, or stucco is permissible.
- (2) Additions and new construction shall use facing materials made of brick, stone (synthetic or natural), stucco, or wood limited to lap siding, cedar shakes and similar traditional wood siding materials. The definition of traditional wood siding materials does not include any form of plywood, chip board, particle board or similar materials.

- (3) Under no circumstances shall metal or vinyl siding be used on any structure except that vinyl and aluminum imitation clapboard siding and shakes may be used as accent pieces on all floors above the ground level floor. (This does not prohibit the use of durable metal or vinyl accent pieces or columns on street level surfaces when such are made to mimic traditional detailing (cornices, trim pieces, moldings, etc.).)
  - (4) Large modular materials shall be avoided or used only as accent pieces on street fronting façades.
  - (5) Paint colors shall be of low reflectance, subtle, neutral, or earth tone colors or shall relate to natural material colors found within the county generally or on neighboring historic buildings. Contrasting colors of brighter hues, including pastels, may be used to accent architectural details and entrances.
  - (6) Roof materials and colors shall be low-reflecting.
- (E) *Façades, windows, and roofs.*

*In order to have well designed façades that add to the town's architectural inventory and that provide visual interest to the pedestrian, the following standards shall apply to all façades, windows, and roofs.*

- (1) New construction and additions to or remodeling of existing buildings shall maintain a clear visual division between street level and any upper floors.
- (2) Retail activities within buildings shall be oriented toward the street and have direct access from sidewalks through storefront entrances.
- (3) No building front shall remain unbroken (unpierced) by a window or functional general access doorway for more than fifty feet.
- (4) The primary entrance to a building shall be architecturally and functionally designed on the front façade of the building facing the primary public street.
- (5) Building entrances shall be emphasized using design (massing), architectural features, and changes in the roofline.
- (6) No less than fifty percent of the horizontal distance of any building front shall be designed with arcades, windows, entrances, awnings, or similar features.
- (7) Buildings with uses serving the public shall have recessed or covered doorways at each building front to shelter customers from the weather.
- (8) Windows on the street level front of commercial buildings shall constitute at least twenty percent and not more than fifty percent of the front façade. Windows on subsequent levels shall be a minimum of fifteen square feet each.
- (9) Display windows on commercial buildings shall be clear, transparent glass and shall not be lower than twelve inches above the sidewalk (including the lintel).

- (10) Frames and sashes for windows shall be of wood, vinyl, or pre-finished metal and shall have stone, brick, or cast concrete lintels and sills.
  - (11) Window glass in non-residential buildings shall always be set back from the building face rather than flush.
  - (12) Architectural embellishments that add visual interest to a façade or roof such as dormers, belvederes, masonry chimneys, cupolas, clock towers, and other similar elements are encouraged.
- (F) *Size, scale, and compatibility of design.*

*In order to promote compatibility of design within the built environment while encouraging creativity and variety, the following standards shall apply to all buildings, unless otherwise noted.*

- (1) Large commercial buildings shall be broken down in scale by exterior architectural features (e.g., massing, designing the façade to mimic the appearance of multiple contiguous buildings, etc.)
- (2) Building or store entrances serving the public shall occur at least once every one hundred fifty feet along a building façade.
- (3) Wall articulations (or breaks in the façade or roofline) shall be designed into all buildings not less than every one hundred feet or more than every twenty-five feet along the building façade.
- (4) Retail stores in the central business district shall be limited to a footprint of no more than sixty thousand square feet.

**5-3. Design Standards for Lots.**

(A) *Lot size and configuration.*

- (1) Flag lots and zero frontage lots shall only be permitted to serve above ground utility sites including telecommunication towers.
- (2) All new lots shall meet the dimensional requirements outlined in this ordinance for the district in which they are located.

(B) *Access.*

*The intent of these standards is to promote safe, convenient, and sufficient access to all properties by vehicles, pedestrians, and bicyclists. The following standards shall apply to all uses, unless otherwise noted.*

- (1) All vehicular access to a development containing multiple destinations (e.g., malls, strip centers, multiple building developments, etc.) shall be provided by means of a shared driveway, side street, or frontage road.
- (2) No new driveway on any development site, which accesses a major arterial or collector street with a posted speed limit in excess of thirty mph and an average



daily traffic volume greater than five thousand vehicles per day, shall be created less than eighty feet from an existing driveway except where such prohibition would deny access to the property or where a safe sight distance cannot be achieved otherwise. No new driveway shall be permitted to access Red Cross Road or Oak Ridge Road within the CB district.

- (3) No new driveway on any development site shall be created less than eighty feet from a street intersection except where such prohibition would deny access to the property or where a safe sight distance cannot be achieved otherwise.
- (4) The approaches to loading and unloading areas in mixed-use and commercial districts shall be designed to minimize conflict with onsite vehicular, pedestrian, and bicycle traffic and with adjacent residential uses.
- (5) Buildings with uses requiring public access shall provide the primary pedestrian access from the street front except that buildings backing up to Red Cross Road and/or Oak Ridge Road located on multi-building development sites shall be permitted to have their primary access from the interior of the development site since vehicular access to NC24/27 and Oak Ridge Road is restricted.
- (6) At least one driveway or other vehicular link shall be provided between adjacent mixed-use and commercial properties, such as shops and offices, which require public access.
- (7) Whenever practicable, driveways shall be aligned with driveways on the opposite side of the public street.
- (8) Shared driveways are encouraged.
- (9) A site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan may be permitted, on a case-by-case basis, to be served by a private street network and shall only be required to abut a public street along some portion of the development site the minimum distance of which shall be determined by the town to be adequate for public and emergency vehicle access but which shall not be less than thirty-five feet.
- (10) The number of driveway intersections along major arterial streets with a posted speed limit in excess of thirty mph and an average daily traffic volume greater than five thousand vehicles per day shall be minimized whenever practicable, but in no case shall there be more than one driveway per street frontage on a lot or development site except:
  - a) Where street frontage exceeds seven hundred feet, there may be two driveways; and
  - b) Where street frontage exceeds one thousand two hundred feet, three such points may be allowed; but
  - c) Three driveways shall be the maximum allowable on any street frontage.
- (11) Sidewalks shall be provided between the building and all new public streets in the CB district. Such sidewalks shall be made of concrete or brick, they shall be

a minimum of ten feet in width, and they shall continue along the entire property frontage parallel to the street. All sidewalks shall be dedicated for public use.

- (12) A coordinated system of service alleys shall be designed and used in the CB district to permit utility and service access including the loading and unloading of goods. Such alleys shall connect whenever possible and shall not be restricted except as intended by design as stated in this section.

#### **5-4. Design Standards for Services and Utilities.**

*In order to subordinate the appearance of services and utilities on individual sites and throughout the town's jurisdiction, the following standards shall apply to all services and utilities in all districts unless otherwise noted.*

##### **(A) *Mechanical equipment.***

- (1) Mechanical equipment at ground level shall be placed on the parking lot side of buildings away from public streets and buildings on adjacent sites. All such equipment shall be substantially screened from public view.
- (2) Mechanical equipment and antennas located on rooftops shall be camouflaged as a normal architectural feature of the building, or hidden by a decorative cornice or parapet wall, as seen from the ground.

##### **(B) *Utility lines and equipment.***

- (1) All utility equipment (includes meters, boxes, valves, etc. but does not include overhead power lines, light poles, and similar equipment) shall be designed and located to be as inconspicuous as possible and shall not be located on the street-side of a principal structure.
- (2) All utility lines serving new development or subdivisions shall be placed underground.
- (3) Utilities shall run along alleys whenever practicable.

##### **(C) *Trash, garbage, and recycling.***

- (1) All trash and recycling receptacles and storage areas shall be located away from public streets and screened entirely from public view.
- (2) All non-vegetative screening used to block public view of trash and recycling receptacles and storage areas shall be made of materials compatible in color and type to the principle structure(s) on the property.

##### **(D) *Drive-thru windows and similar accessories.***

- (1) Drive-thru windows, freestanding ATMs, fuel pumps and similar devices shall only be placed in areas that will not interfere with the safe movement of pedestrians and vehicles in parking and driveway areas.
- (2) Drive-thru windows, freestanding ATMs, fuel pumps and similar devices shall

not be placed between the primary façade of a building and the public street.

- (3) Drive-thru services are discouraged in the TC and CB district. If provided, they shall be located to the rear or side of buildings away from public streets.

(E) *Engineered stormwater control facilities.*

- (1) All stormwater detention and/or retention ponds and basins shall be designed as an integral part of the development site and shall be aesthetically pleasing (e.g., neatly landscaped, well-maintained, vegetated slopes, decorative fencing if fencing is used, etc.).

**5-5. Design Standards for Parking and Loading/Unloading Areas.**

In order to have safe, well designed parking areas that successfully accommodate the pedestrian and are subordinate in design and appearance to adjacent buildings, the following standards apply to all accessory and principal use parking lots in all districts unless otherwise noted.

(A) *Location.*

- (1) Parking shall be located primarily to the rear of the principal building and may be accessed from the front, side, or rear of the property. No more than two rows of parking shall be located between a primary façade and the street.
- (2) On multi-building development sites where the principal buildings are located close to the perimeter of the development site, parking may be permitted to be located in the front of any building which does not front a public street (such as an interior courtyard parking arrangement). On such sites, any street fronting portion of the development, whether for lease or sale, which is intended to provide screening between the public street and interior parking lot(s) but which has not yet been developed shall, in addition to outparcel landscaping requirements, be subject to the landscaping and screening requirements for parking lots adjacent to street frontages prior to issuance of a certificate of occupancy for any use on site after the interior parking lot is constructed. At the discretion of the planning director, such additional landscaping may be incorporated into the parking lot itself instead of the outparcel and may only be required for that portion of the lot which is exposed to the public street.
- (3) Parking lots and parking garages shall not abut an intersection of arterial streets or occupy lots which terminate a vista (a distant view through or along a street or public space).
- (4) On-street parking directly in front of the zoning lot shall count toward fulfilling the parking requirement of that lot.

(B) *Connectivity.*

- (1) New parking areas on adjacent lots shall be connected unless the town determines that topography or other natural features prevents it.
- (2) All off-street parking shall be served by interior circulation drives. No private off-

street parking spaces shall directly connect to public streets.

(C) *Paving.*

- (1) All driveway and parking areas shall be paved with asphalt, concrete, or brick pavers except for areas used for overflow, special events, and peak parking.
- (2) All parking areas shall be curbed; however, broken curbing is allowed to permit the flow of stormwater.
- (3) Any non-paved surface used for overflow, special events, and peak parking that cannot be maintained with healthy, living turf grass or similar ground cover shall be paved with asphalt, concrete, pervious pavement or brick pavers.

(D) *Aisles.*

- (1) No more than two parking aisles (defined as a travel lane and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. (See section 6-1. for landscaping requirements.)
- (2) No more than thirty parking spaces shall be contained within one parking aisle.
- (3) Driveway aisles shall be a minimum of twenty-four feet in width if serving two-way traffic and a minimum of twelve feet in width if serving one-way traffic.
- (4) No parking aisle serving the general public that contains more than ten parking spaces shall dead end. Any parking aisle that dead ends shall be provided a suitable turnaround.

(E) *Spaces and loading/unloading areas.*

- (1) Required parking shall be provided on-site or adjacent to the development site requiring the parking. Shared parking areas are encouraged and shall be permitted whenever the zoning administrator determines that the minimum parking requirements can be met for each use. Loading docks shall be located on the rear or side whenever possible. Additional screening shall be required as approved by the Zoning Officer.
- (2) Parking spaces shall be clearly marked on the ground for all uses except single-family detached residential.
- (3) In addition to required parking spaces, drive-thru facilities shall provide a minimum of five stacking spaces per drive-thru facility, window, or bay, except for the following:
  - a) Fast food restaurants shall have an additional five stacking spaces. A minimum of five of the total stacking spaces shall be located at or prior to the ordering station.
  - b) Non-automated car washes shall only be required to have a minimum of two stacking spaces per bay, one of which is located for use as a dry down

area.

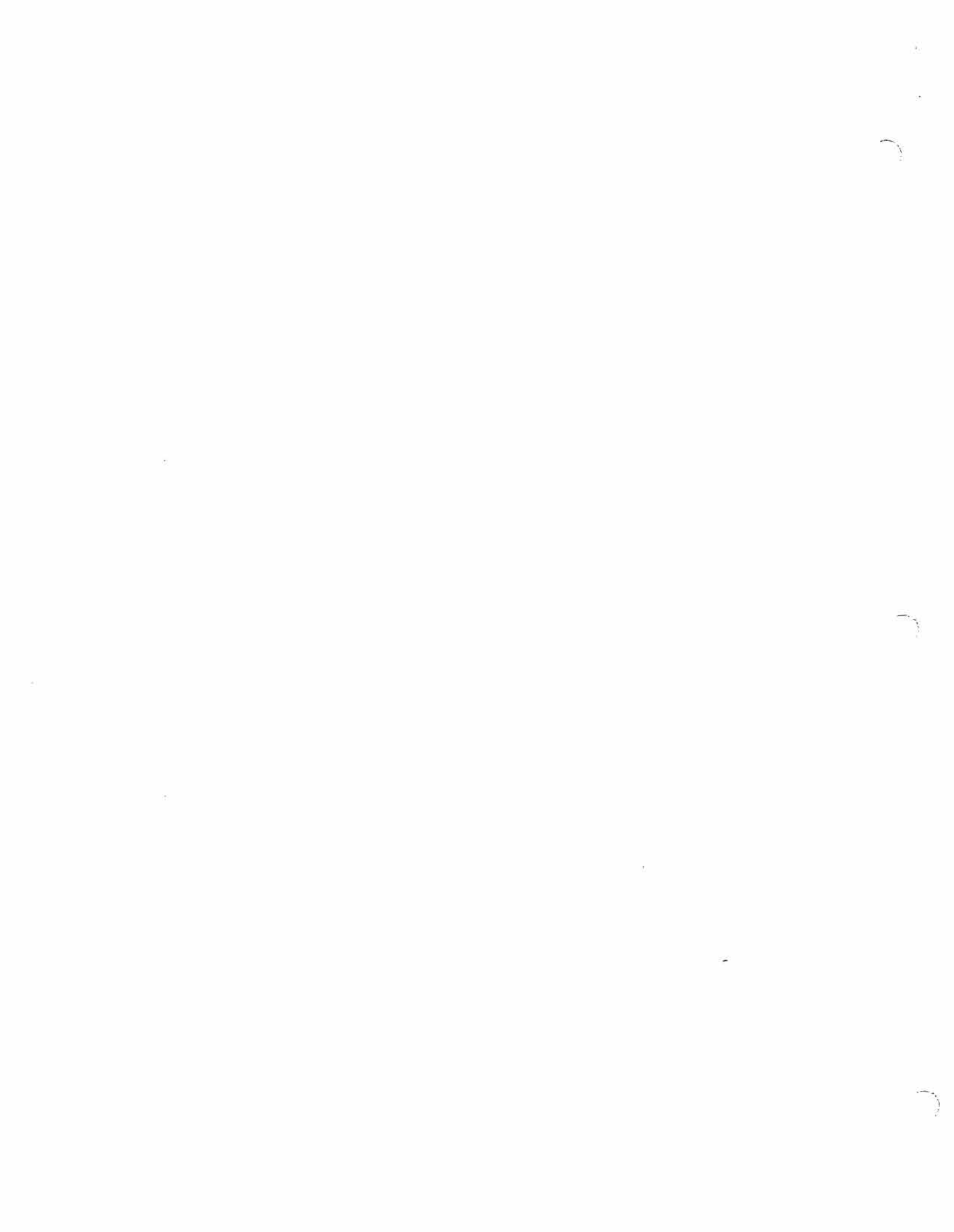
- c) Automated car washes shall be required to have an additional two stacking spaces per bay.
- (4) Stacking spaces shall be located entirely outside of a required driveway or parking aisle needed to access required parking spaces.
- (5) Adequate onsite turnaround area shall be provided for all parking spaces.
- (6) Adequate onsite turnaround area shall be provided for all loading and unloading areas.
- (7) Each automobile parking space shall not be less than ten feet wide and twenty feet long exclusive of adequate egress and ingress drives and maneuvering space as determined by the zoning enforcement officer. Typical aisle width is 12' for one way and 24' for two way vehicle traffic. Such space shall be provided with vehicular access to a street or alley and shall be designed by use of landscaping or wheel guards to prevent commercial traffic from backing onto any public roadway. Such use shall not thereafter be encroached upon or altered, and shall be equal in number to at least the minimum requirements for the specific use set forth below:

<b>USE CLASSIFICATION</b>	<b>PARKING SPACE REQUIREMENT</b>
Automobile sales and repair	One space for each two employees at maximum employment on a single shift plus two spaces for each three hundred square feet or repair or maintenance space.
Bowling alleys	Two spaces for each alley, plus one additional space for each two employees.
Churches	One space for each four seats in the main chapel.
Elementary schools and Junior High schools, both public and private.	One space for each employee
Hospitals	One space for each four patient beds, plus one space for each staff or visiting doctor, plus one space for each four employees
Mortuary or funeral home	One space for each four seats in each chapel or family room, or fifty spaces for each chapel or family room, whichever is greater.
Motels, tourist home, tourist courts, and hotels	One space for each two hundred square feet of gross floor area.
Medical offices and clinics	Four spaces for each doctor practicing at the clinic, plus one space for each employee.

Offices, professional, business, public, including banks	One space for each two hundred square feet of gross floor area.
Places of public assembly, including private clubs and lodges, auditoriums, dance halls, pool room, theaters, stadiums, gymnasiums, community centers, amusement parks, armories, and all similar places of public assembly	One space for each four seats provided for patron use, plus one space for each one hundred square feet of floor or ground area used for amusement or assembly, but not containing fixed seats.
Residential dwellings	Two spaces for each dwelling unit.
Restaurants	One space for each three seating accommodations, plus one space for each two employees on the shift of largest employment.
Restaurants, drive-in, or similar uses designed for curb-type service	Five square feet of parking area for each one square foot of gross floor area; provided further, however, that no facility shall have less than fifteen spaces.
Retail businesses floor	One space for each two hundred square feet of gross area.
Rooming and boarding houses	One space for each two guest rooms plus one additional space for the owners, if resident on the premises.
Sanitariums, rest or convalescent homes, homes for the aged, and similar institutions	One space for each four patient beds, plus one space for each staff or visiting doctor, plus one space for each two employees.
Senior high schools and colleges, both public and private	One space for each five students for whom the school was designed, plus one space for each employee
Service stations	Two spaces for each gas pump, plus three spaces for each grease rack or similar facility.
Shopping centers	Two square feet of parking area for each square foot of gross floor area.
Mobile home parks	Two spaces for each trailer house.
Wholesaling and industrial	One space for each two employees at maximum employment on a single shift

(A) Uses not listed or similar to above may be approved on a case by case basis by the Zoning Officer upon review of the proposed parking impact and research to other similar town parking standards. A cross parking agreement in writing may be considered when it is in best interest of the town and environmental conditions.

(B) All Handicap accessible parking shall adhere to the North Carolina Building code as amended for the number of required and design of such spaces.





**ARTICLE VI.**  
**LANDSCAPING, BUFFERING, AND OPEN SPACE REQUIREMENTS.**

**6-1. Landscaping Standards.**

(A) *Landscaping.*

In order to maintain and enhance the existing tree coverage in Red Cross, to promote careful landscaping of outdoor areas, to soften and enhance the manmade environment, and to promote the design and construction of appropriate walls and fences, the following standards shall apply in all zoning districts unless otherwise noted.

(1) *General.*

- a) Commercial outparcels shall be landscaped while vacant to maintain an attractive appearance. Landscaping shall consist of turf grass, shrubs, trees, or any other vegetative cover that will secure the soil and create an attractive appearance.
- b) All required plantings installed shall be nursery grown stock that is free from disease or growth problems and shall comply with the latest edition of the *American Standards for Nursery Stock*, published by the American Nurserymen's Association.
- c) All required plantings shall be installed in a manner that insures the availability of sufficient soil and water for healthy growth and that is not intrusive to above and below ground utilities.
- d) Only landscaping and approved fences and walls shall be permitted within a required buffer or streetyard area, except that sidewalks and other pedestrian walkways, bicycle paths, aboveground utilities, drainageways, and approved signs shall be permitted where they do not comprise of more than twenty percent of the total area of the required buffer or streetyard. Underground utilities are permitted wherever they do not interfere with the ability to provide the required buffer or streetyard area and landscaping.
- e) Clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape, except where uniformity is required for opaque screening.
- f) Landscaping, including berms, shall be installed and maintained so as not to interfere with the sight distance requirements of this section or the sight distance needs of drivers in parking areas and at entrance and exit locations.
- g) Small trees are permitted to be substituted for required large trees whenever the larger tree would interfere with existing overhead utility lines.
- h) Native species and related cultivars are encouraged.
- i) Monoculture and over planting shall be avoided except that a single species of tree may be planted in formal parks or in conjunction with a streetscape plan.

- j) Whenever trees are required (street yards, buffers, parking lots, etc.), a minimum of fifty percent shall be canopy trees, and a minimum of twenty percent shall be evergreen.
- k) Whenever shrubs are required for screening, they shall be of a type that retains their foliage to within six inches of the ground on a year-round basis.
- l) No more than thirty percent of all shrubs required shall be deciduous.
- m) No required planting area shall contain less than fifty square feet and no planting area shall be less than eight feet in diameter around a required tree.
- n) The town may require changes to any planting schedule or plant size requirement and may require plant substitution when, in its opinion, the size, nature, and/or spacing of plantings will compromise the safety and security of the public.
- o) The zoning administrator may approve revisions to a landscaping plan approved by the town board or board of adjustment in order to accommodate seasonal planting problems or a lack of plant availability as long as:
  - 1) There is no reduction in the quantity of plant material.
  - 2) There is no significant change in the size or location of plant materials.
  - 3) The new plants are of the same general category and have the same general design characteristics as the materials being replaced.

(2) *Plant size.*

Type	Minimum Height at Maturity (ft)	Minimum Crown Spread at Maturity	Minimum Height at Planting	Minimum Caliper <sup>1</sup> at Planting (in)	Minimum Spacing (ft on center)
Large Tree	≥40	≥30 feet <sup>2</sup>	8 feet	2	35 feet
Small Tree	≥15	<30 feet <sup>2</sup>	5 feet	1.5	15 feet
Shrubs <sup>3</sup>	3	24 inches	18 inches	n/a	24 inches

<sup>1</sup> Caliper shall be measured six inches above the ground.

<sup>2</sup> The minimum crown spread of trees shall only apply to canopy trees.

<sup>3</sup> Shrubs do not include ground covers.

(3) *Existing trees.*

- a) Except when necessary to provide access to a site or to insure the safety and security of people and property, any existing healthy tree that is eight inches or greater in caliper, located within a public right-of-way or undeveloped required yard on any development site except single family detached and duplex residential shall be retained unless approved for removal during site plan review. In addition, every reasonable effort shall be made to protect and retain existing trees and shrubs not actually lying in planned roadways, drainageways, building foundation sites and construction activity areas on all development sites.

- b) Existing trees and shrubs shall count towards meeting the requirements of this section as long as such are:
    - 1) Free from disease or growth problems;
    - 2) Clearly shown on the site plan;
    - 3) Approved by the zoning administrator prior to development as meeting the intent of the landscaping requirements;
    - 4) Are not considered nuisance or noxious plants; and
    - 5) Are adequately protected during grading and development of the site.
  - c) Protective measures, as outlined below, shall be taken to minimize damage to existing trees and other vegetation to be retained.
    - 1) Site plans shall show the location of trees and shrubs to be retained and the locations of protection fencing.
    - 2) Prior to construction, grading or other land disturbing activity, protective barriers shall be placed around the root protection area of all trees and shrubs to be saved. For trees, the root protection area shall not be less than the drip line.
    - 3) No soil disturbance or compaction, stock piling of soil or other construction materials, vehicular traffic, or storage of heavy equipment are allowed in the areas designated for protection.
    - 4) Root pruning shall be kept to an absolute minimum.
    - 5) Pruning of existing trees shall be done according to the National Arborists' Association Standards in a manner that preserves the character of the tree.
    - 6) No ropes, signs, wires, electrical device or other material shall be secured or fastened around or through a tree or shrub designated for protection.
    - 7) If a single tree or small group of trees of significant size are identified for protection, lightning protection measures are recommended to help insure their protection during storms.
- (4) *Landscaping installation and maintenance responsibility.*
- a) To insure compliance with this section and to encourage required vegetation to be installed during the appropriate season, a letter of compliance may be accepted by the town in lieu of installation prior to the issuance of a certificate of occupancy for the site. This letter shall be in the form of an affidavit signed by the property owner and shall:
    - 1) Acknowledge that such owner is aware of any landscaping and/or screening requirements which apply to the property; and
    - 2) Stipulate that he/she will comply with those requirements by a specific date within the next appropriate planting season, but in no case more than nine

months after the date of the affidavit, unless otherwise approved by the zoning administrator; and

- 3) Acknowledge that failure to comply with the provisions of this section within the time frame specified in the letter shall constitute a violation of this section which shall subject the property owner to any and all enforcement actions permitted by law.
- b) All landscape materials required or committed voluntarily by the developer, whether used for screening, buffering, open space, streetyards, or other required landscaping areas shall be properly maintained by the property owner. Maintenance includes all actions necessary to keep landscaping materials healthy, neat and orderly in appearance, and free of litter and debris. Any landscaping lost or diseased shall be removed and replaced unless, in the opinion of the zoning administrator, the maturity of the remaining vegetation compensates for the loss of an individual shrub or tree, thereby causing the intent of the landscape standard to still be met without replacement.

(5) *Berms.*

The following standards shall apply to all berms.

- a) No structures, including fences, shall be placed on a berm unless approved by the town as part of the landscaping requirements for a development site.
- b) Berms shall not be used for the display of vehicles or other merchandise.
- c) If included in the landscape design, berms shall:
  - 1) Have a minimum height of eighteen inches, a minimum crown width of two feet, and a side slope with a width to height ratio of no greater than three to one (3:1). No berm shall exceed four feet in height.
  - 2) Be designed and constructed with an undulating appearance which mimics, as much as is practicable, a natural topographical feature of the site.
  - 3) Be substantially planted and covered with live vegetation. No berm shall consist entirely of turf grass, ground cover, mulch or similar material.
  - 4) Be fully installed, planted and stabilized prior to certification of zoning compliance.
  - 5) Be designed to prevent standing water or to impede the flow of stormwater from adjacent properties.

(6) *Streetyards.*

- a) Streetyards shall be required along all arterial and collector streets whenever new development, except single-family detached and duplex residential, or major subdivision is approved or an existing commercial use is expanded by more than twenty percent except that:

- 1) Streetyards shall not be required in the CB district except along Red Cross Road and Oak Ridge Road.
  - 2) Along streets that are scheduled for widening by the state in the near future which might affect the location of the right-of-way, the zoning administrator may allow the developer to delay all or a portion of the streetyard requirements. Whenever a delay is allowed, a letter of compliance pursuant to this section shall be required.
- b) Where the location of existing permanent buildings on an existing site reduces the area available for a streetyard, streetyard requirements shall be met to the maximum extent practicable. Where implementation of the streetyard requirements on an existing site would require the removal of parking spaces, the zoning administrator may approve a reduction of up to twenty percent of the required parking spaces in order to make room for required landscaping.
  - c) Along streets that are well-forested or new streets that are to be maintained in a forested condition by the developer, the requirements of this section may be reduced or eliminated upon approval of the zoning administrator to minimize grading and enhance preservation of existing, mature trees.
  - d) All required streetyards shall be no less than eight feet in width at any point and average ten feet in width, as measured perpendicularly to the street, along the entire length of the property.
  - e) The planting schedule for streetyards shall be as follows:

Type	Minimum Number Per 100 Linear Feet <sup>1</sup>
Large Trees	3
Small Trees	4
Shrubs	30

<sup>1</sup>Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a fifty foot area would be required to have two large trees, two small trees, and fifteen shrubs.)

- f) The area between trees and shrubs in a streetyard shall be completely filled in with perennials, annual flowers, ornamental grasses, turf grasses, a minimum of three inches of landscaping mulch, or a combination thereof except that additional plantings may not be required in significant natural forested areas maintained within the streetyard.
- g) Berms shall be permitted to augment required streetyard plantings as follows:
  - 1) Shrubs may be reduced to a minimum of twelve inches in height at the time of planting if the combined height of the berm and the shrubs will be at least three feet in three years.
  - 2) A minimum of fifty percent of all required trees and shrubs shall be planted along the street front portion of the berm.
  - 3) If the berm is at least three feet in height, no shrubs are required.

(B) *Fences, hedges and walls.*

Fences consisting of either: masonry, rock, wire or wooden material and hedges may be installed on the boundaries of any residential lot, except that the height of such fencing or screening shall be limited to a maximum height of three feet between the street right-of-way line and the normal building line for that section adjacent to the street. Fencing and hedges on all other boundaries of residential property shall be limited to a maximum of eight feet in height, except as otherwise specifically stipulated herein.

A temporary certificate of zoning compliance may be issued for circumstances under hardship or duress. Written application for a temporary fence exceeding the height requirements may be allowed on an annual basis due to a temporary hardship with approval from the zoning administrator. Basis for such approval shall be for reasons of safety, health, welfare, or other related hardships. Such temporary fence shall be removed within thirty days of the ending of the hardship. Reapplication shall be made before termination of the annual renewal or be subject to revocation.

(1) *General.*

The following standards shall apply to all fences and walls in all zoning districts unless otherwise noted.

- a) Fences and walls shall be maintained in good order.
- b) Fences shall not contain advertising, signs, logos or other lettering unless expressly permitted by the zoning administrator.
- c) Where a fence or wall is used as part of required screening, all required vegetation shall be planted on the exterior side of the fence or wall (exterior to the lot).
- d) Fences and walls shall be installed and maintained so as not to interfere with the sight distance requirements of this section or the sight distance needs of drivers in parking areas and at entrance and exit locations.

(2) *Material and design.*

The following standards shall apply to all fences and walls in all zoning districts, unless otherwise noted.

- a) Chain link and other wire material fences shall not be permitted in a front setback along any street except that such may be placed on the inside of a split rail or other wooden fence or is screened by vegetation.
- b) Security walls and fences shall be accompanied by vertical landscaping to screen the wall or fence from view.
- c) Barbed wire, razor wire, concertina wire, and similar high security fencing material shall not be used in any area unless substantially screened from public view.
- d) Walls and fences used for landscaping or screening shall be constructed of masonry, stone, wood, vinyl or a material similar in composition and appearance as the principle building. Such walls and fences shall be opaque or shall be of a design approved by the zoning administrator.

- e) Fences and walls within a development shall be compatible in design and material.
- f) Unfinished concrete block walls shall not be permitted within any required yard.

(3) *Height.*

The maximum height of fences and walls shall be four feet above grade when located within a required yard adjacent to a public street and a maximum of six feet when located within any required side or rear yard not located adjacent to a public street.

(C) *Parking lot landscaping.*

- (1) The following standards shall apply to all new parking areas with twelve or more spaces and all expansions to existing parking areas which add twelve or more spaces, unless otherwise noted. In an expansion, only the area of expansion is required to be included in the calculation; however, the landscaping may be provided anywhere within the parking area.
- (2) Trees and shrubs shall be planted along all internal driveways as follows:

Type	Minimum Number Per 100 Linear Feet
Large Trees	2
Small Trees	3
Shrubs	40

<sup>1</sup>Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For example, a fifty foot area would be required to have one large tree, two small trees, and twenty shrubs.)

- (3) The area between required trees and shrubs shall be completely filled in with perennials, annual flowers, ornamental grasses, turf grasses, a minimum of three inches of landscaping mulch, or a combination thereof.
- (4) Plantings and plant material shall be selected and arranged to insure the maximum safety of the public. No landscaping area shall be installed or maintained in such a way that it provides cover or refuge for criminal activities.
- (5) No more than two parking aisles (defined as a travel lane and the parking located on each side) shall abut. Otherwise, parking aisles shall be separated from each other by planted medians which may include pedestrian walkways. No more than thirty parking spaces shall be contained within one parking aisle.
- (6) All parking aisles, except where they are permitted to abut or they directly adjoin a building, shall be landscaped around their perimeter, excluding access points, as shown in the following table. Where the perimeter of the parking aisle is a property boundary, buffer, streetyard, or internal driveway, that side shall meet the more stringent of the two.

Type	Minimum Number Per 100 Linear Feet
Large Trees	2
Small Trees	2
Shrubs	30

<sup>1</sup>Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number. (For

example, a fifty foot area would be required to have one large tree, two small trees, and twenty shrubs.)

- (7) Whenever parking areas abut streets, an opaque wall or fence a minimum of three feet in height shall be installed adjacent to or within a required streetyard or adjacent to a street right-of-way where no streetyard is required except that:
  - a) A hedge may be substituted for the wall or fence in any district, except in the CB district, as long as the hedge is a minimum of two feet in height at the time of planting, has the ability to achieve a height of three feet during its first full growing season; and
  - b) A vegetated berm may be substituted for a portion of the wall, fence, or hedge, except in the CB district.

## **6-2. Landscape Buffers.**

The purpose of a landscape buffer is to help provide transition between different types of land uses, to break up or soften the appearance of paved surfaces, and to provide the shade and greenery necessary to create a livable urban environment. Notwithstanding any other requirements of this section, buffers shall be required for all commercial development as follows:

- (1) Buffers shall be required whenever new development is approved or an existing use is expanded by more than twenty percent wherever a commercial use abuts a residential use except where commercial and residential uses within the CB district abut. In addition, buffers meeting the standards of this section shall be met whenever required by direct reference in any other section of this ordinance.
- (2) Planting requirements in buffer areas may be altered on a case-by-case basis by the zoning administrator in locations where the required buffer is wholly or partially within an existing easement.
- (3) Along areas that are scheduled for easement or right-of-way acquisition or expansion by the state in the near future, the zoning administrator may allow a postponement of all or a portion of the buffer planting. Whenever postponement is allowed, a letter of compliance pursuant to this section shall be required.
- (4) The landscape buffer shall average thirty-five feet in width, but not be less than twenty feet in width at any point, and shall contain:
  - a) Two large trees per 100 linear feet.
  - b) Ten small trees per 100 linear feet.
  - c) Forty shrubs per 100 linear feet.
- (5) *Fractions.*

Fractions generated by applying the minimum number of plants required per 100 linear feet to the actual linear footage of an area shall be rounded up to the nearest whole number.

- (6) *Exceptions.*



- a) Fences and walls of uniform design and material shall be allowed to replace required shrubbery in any landscape buffer when, in the opinion of the zoning administrator, such fence or wall will achieve the same effect as the shrubbery and will contribute positively to the overall design of the property.
- b) Buffer width requirements may be reduced by fifty percent when a six foot continuous opaque fence, wall or berm is approved and constructed within the landscape buffer. A minimum of fifty percent of all required plantings shall be placed on the exterior side of such fence, wall or berm.
- c) In the event of unusual topography or elevation of a development site, the size of the parcel to be developed, the soil or sub-surface condition of the site would make strict adherence to the requirements of this part serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer plantings, the zoning administrator may alter the requirements of this part as long as the existing features of the development site comply with the spirit and intent herein. Such an alteration may occur only at the request of the property owner who shall submit a plan to the zoning administrator showing existing site features that would buffer or screen the proposed use and any additional buffer materials the property owner will plant or construct to buffer the proposed use.

### **6-3. Open Space.**

#### **(A) *In general.***

In order to develop a system of quality open spaces and recreation areas throughout the town's jurisdiction, the following standards shall apply to all developments and all open space and recreation areas in all zoning districts unless otherwise noted.

- (1) In developments with twenty or more residential units, open space shall account for a minimum of thirty percent of the total land area of the site. Open space shall include recreational areas, wooded areas, and environmental open space. Environmental open space is defined as any pervious area set aside for the protection, enhancement, or creation of water quality buffers, wildlife habitat, view corridors, flood hazard mitigation, or similar environmental features and may or may not include public access. Priority shall be given to environmental open space dedicated to and accomplishing the purpose of protecting, restoring, or enhancing rural vistas. Such open space may be forested land, pasture, cropland, wetlands, or similar rural open spaces approved by the zoning administrator.
- (2) Public open space and recreation areas, except environmental open space, shall have direct access from public streets.
- (3) Public open space and recreation areas, except environmental open space, shall be visible and easily accessible.
- (4) Public open space and recreation areas, except environmental open space, shall have multiple points of entry.
- (5) All open space and recreation areas, except environmental open space, shall be well buffered from moving vehicles.
- (6) Open space not meeting the criteria of environmental open space shall be substantially clustered around the edges of the development to buffer the development against adjacent tracts of land, especially land used for agriculture and low density residential development.

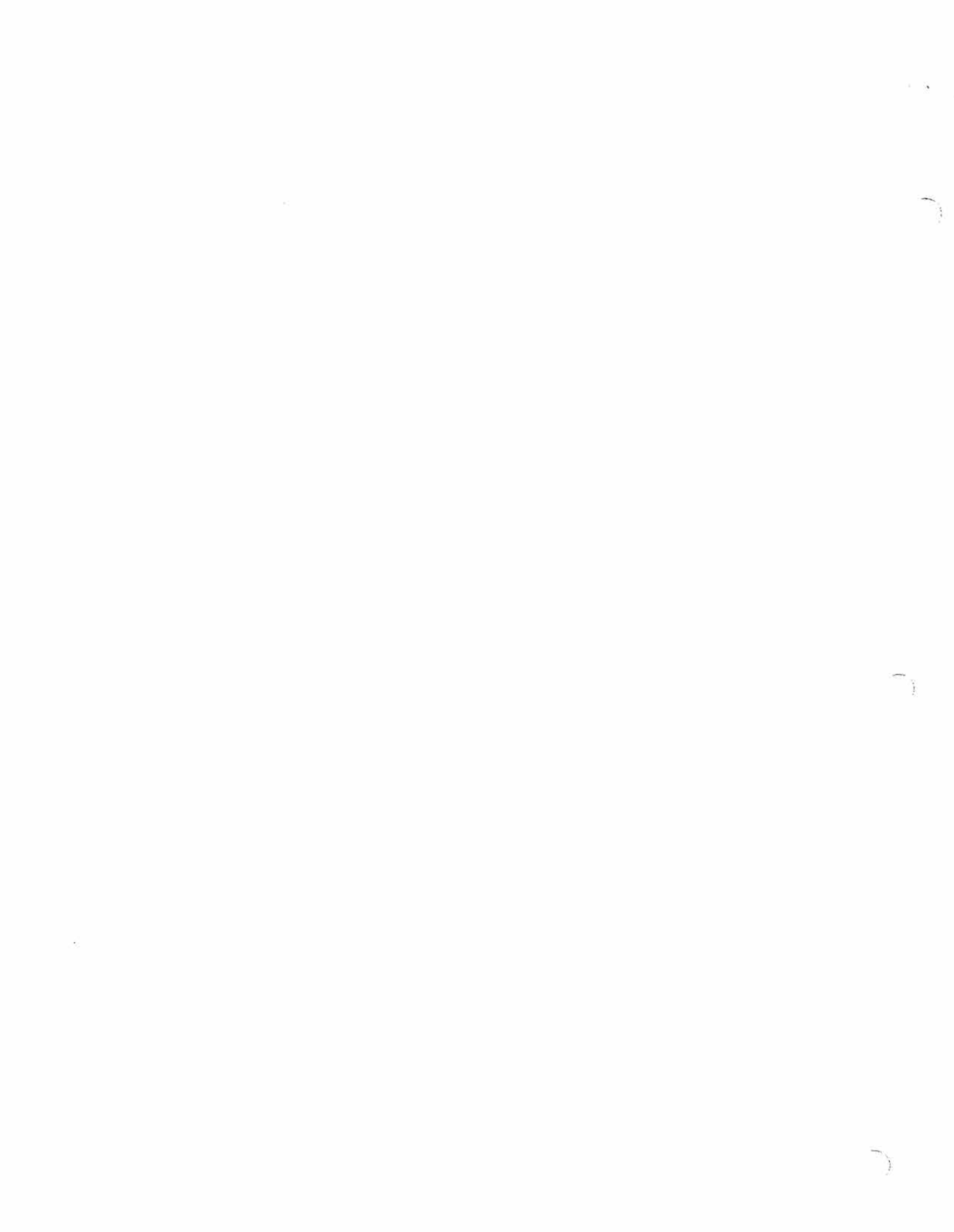
- (7) The land used for required open space and recreation areas, except environmental open space, shall have an average slope of five percent or less with no portion of the land exceeding a fifteen percent slope.
- (8) Required open space and recreation areas may be publicly or privately owned. The planning, construction, and maintenance of privately owned facilities shall adhere to the following:
  - a) Private open space intended to count towards the open space requirements of this section shall be held and maintained by a legally constituted homeowner's association. Public open space may be held by any unit of government or private non-profit organization created for such purposes that has been approved by the town council.
  - b) High maintenance cost facilities such as swimming pools shall not be counted in determining compliance with the minimum open space and recreation area requirements of this section. Bridges along pedestrian and bicycle paths and similar high cost facilities shall not be permitted as an integral part of any required open space or recreational area unless no feasible alternative exists.
  - c) Each phase of a phased development shall meet the minimum requirements for open space and recreational areas. All plans for such developments shall demonstrate compliance for each phase. No certificates of occupancy shall be issued until all such required facilities have been installed or bonded by the developer and approved by the town.
  - d) The responsibility for the perpetual maintenance of open space in conformity with this ordinance shall be with the owner. Failure to adequately maintain open space shall constitute a violation of this ordinance and shall subject the owner to any and all remedies permitted herein.

(B) *Alternative open space.*

- (1) As an alternative to incorporating required open space on a development site, the developer has the option of requesting that the town permit the purchase of land lying within an identified rural view corridor, a planned public park or open space system within or immediately adjacent to the town's zoning jurisdiction and its dedication to the appropriate public or non-profit authority. Such requests shall be heard and decided by the town council prior to subdivision or site plan approval.
- (2) In considering a request for alternative open space, the town council may:
  - a) Approve the request without modification; or
  - b) Approve the request with modifications or conditions agreed to by the developer; or
  - c) Approve only a portion of the request, requiring a portion of the required open space to be included on the site of the proposed development; or
  - d) Deny the request.

(C) *Clustering permitted.*

In order to provide the open space required by this ordinance, a developer shall be allowed to cluster lots on the development site in a manner such that the same number of developable lots are possible as would be permitted if no open space were preserved. However, under no circumstances shall any lot be created within a cluster subdivision that is more than thirty percent less than the minimum lot size allowed within the district or 15,000 square feet, whichever is greater. In addition, all clustered lots shall be located a minimum of fifty feet from existing public streets.



## ARTICLE VII. SIGN AND LIGHTING STANDARDS.

### 7-1. Sign Standards.

(A) *In general.*

#### 1. **Purpose and Scope.**

This section is intended to regulate and control signs and their placement throughout the town of Red Cross for the following purposes:

- A. To provide a pleasing overall environmental setting and good community appearance;
- B. To create and promote a productive, enterprising, professional business atmosphere;
- C. To allow signs appropriate to the planned character and development of each zoning district;
- D. To ensure that permitted signs do not become a hazard or nuisance;
- E. To promote traffic safety and safe way-finding for motorists, cyclists and pedestrians;
- F. To prevent permanent and temporary signs from conflicting with public safety signs;
- G. To protect and enhance the value of properties; and
- H. To ensure that the constitutionally guaranteed right of free speech is protected.

#### (2) **Applicability and Severability.**

- A. It shall be unlawful to construct, enlarge, modify, move or replace any sign or cause the same to be done, without first obtaining a zoning permit for such sign from the Zoning Officer as required by this Ordinance. A fee shall be charged for each sign permit issued.
- B. Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the physical dimensions of the sign so as to render it in violation of this ordinance.
- C. If any section, specific provision, or standard of these regulations, that now exists or may exist in the future, is found by a court of competent jurisdiction to be invalid for any reason, the decision of the courts shall not affect the validity of any other section, provision, or standard of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

#### (3) **General Provisions.** The following regulations shall apply to all signs.

##### **A. Construction Standards.**

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

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

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

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

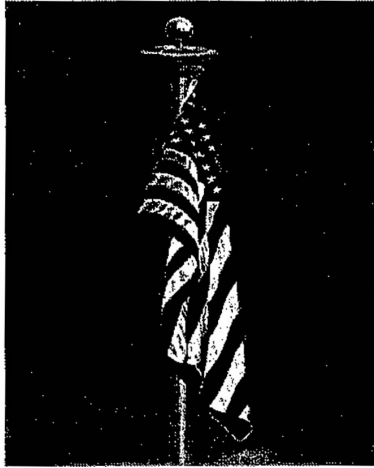
**E. Relation to Other Building Elements.**

- (1) Signs shall relate in their placement and size to other building elements without obscuring building elements such as windows, cornices, or decorative details, except that signs may be placed on the inside of windows.
- (2) Sign material and style shall complement the building façade in terms of design, scale, and materials.
- (3) Individual shop signs in a single storefront shall relate to each other in terms of design, size, placement on the building, and lettering style.
- (4) Signs placed on the inside of the window areas shall conceal no more than 25% of the area of the window on which the signs are located.

**F. Sign Lighting**

- (1) Neon, argon and similar lighting fixtures shall not be used anywhere on the exterior of a building; however, such signs if non-flashing and nonmoving may be mounted on the inside of store windows.
- (2) Signs shall be lighted with indirect light sources (e.g. backlighting). Floodlights may also be used if the light is directed only on the sign and not onto adjacent properties, roadways or the sky and the light fixtures are fully shielded from view through the use of landscaping.
- (3) No sign (other than a ground-mounted sign) within 100 linear feet of a pre-existing residential structure shall be illuminated between the hours of 11:00 pm and 6:00 am.
- (4) See Section 7-1 (a) (3)(K) for provisions for Electronic Message Signs and LED Signs

**Figure A – Flag Light**



(5)

**Figure B – Sign Light**



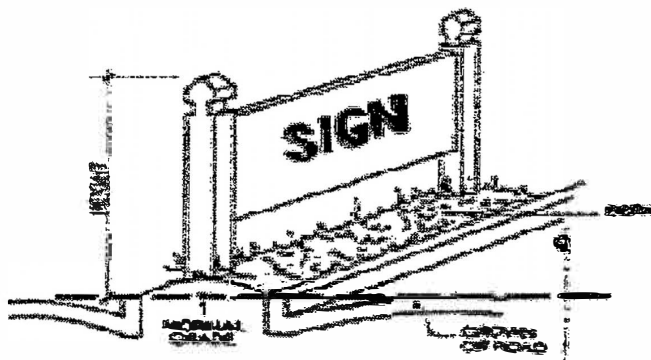
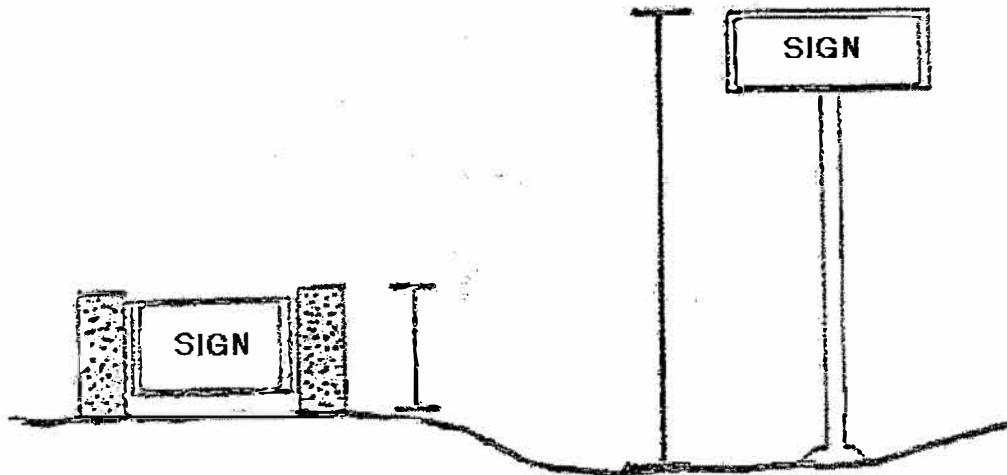
## Lighting of Signs and Flags

- a. For signs not internally illuminated, top-mounted fixtures are preferred for legally existing lighted signs. Lighting fixtures used to externally illuminate a sign are preferred to be mounted on the top of the sign structure and direct all light down toward the sign. See Figure B. Fixtures mounted on the ground shall use the minimum lumens necessary to illuminate the sign and shall not exceed 3,700 lumens. All such fixtures shall comply with the shielding requirements of this section.
- b. Signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Total lamp lumens per sign shall not exceed 3,700 lumens.
- c. Top-mounted fixtures for the illumination of any flags are preferred. Lighting fixtures used to illuminate a flag can be mounted on the top of the flagpole and direct all light down toward the flag. See Figure d. Ground mounted fixtures shall not exceed 3,700 lumens and shall be directed specifically on the flag and no other features. All such fixtures shall comply with the shielding requirements of this section.
- e. No sign within 100 linear feet of a pre-existing residential structure shall be illuminated between the hours of 11:00 pm and 6:00 am.
- f. All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-half hour before Apparent Sunset (dusk), as determined by the National Oceanic and Atmospheric Administration (NOAA), for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, (dawn) as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.
- g. All signs along state-maintained roadways must meet North Carolina Department of Transportation regulations.
- h. Any interior lighted signs may not be lit at night when the face of the sign is removed or damaged in such a way that the light may distract drivers or adjacent property owners.

## G. Sign Height Computation.

- (1) Sign height shall be computed from the lower of: (1) existing grade prior to construction, or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. If a sign is to be erected on a slope, the sign height shall be determined by averaging the sign's height from the lowest point directly under the sign and the highest point of the sign including frame. The calculation of the height of any sign placed upon a berm or mound shall include the height of the berm or mound.
- (2) Where a freestanding sign or sign structure is mounted along a roadway that has a higher grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the roadway grade level to the highest point of the freestanding sign or sign structure.





### Sign Height Computation

- H. Sign Area Computation.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any structural supports, materials or colors forming an integral part of the background of the display.
- I. Sign Area Computation for Multi-faced Signs.** The sign area for a sign with multiple faces shall be computed by adding together the area of all sign faces visible from any one (1) point. When a sign is composed of two (2) or more sign faces, only one (1) of which can be viewed from any one (1) point, and when such sign faces are part of the same structure, the sign area shall be computed by the measurement of one (1) of the faces. For billboards, please see Section 7-1 (A)(4)(E)(4).

**EXAMPLES OF SIGN AREA COMPUTATION:**

**Ground/Monument Sign**

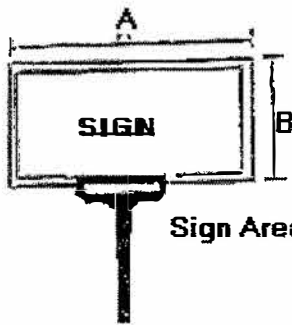


Sign Area = (A)x(B)

**Wall Sign/Banner**



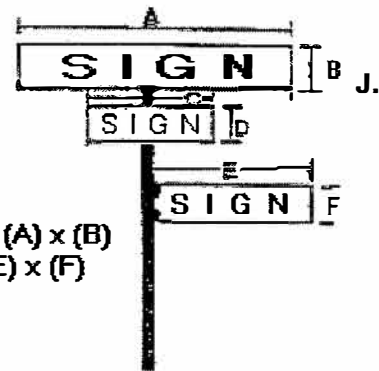
Sign Area = (A)x(B)



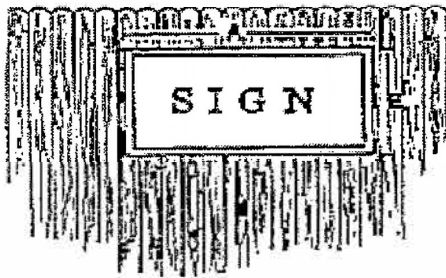
Sign Area = (A)x(B)



Sign Area = (3.14)x(R)<sup>2</sup>



Sign Area = (A) x (B) + (C)x(D) + (E) x (F)



Sign Area = (A) x (B)



Sign Area = (A) x (B)

**Forfeiture of Illegal Signs Placed On or Over Public Property.** Any sign installed or placed on or over public property, except in conformance with the requirements of this section, shall be forfeited to the public and be subject to confiscation and disposal. In addition to other remedies provided by this section and the Town Ordinances, the town shall have the right to recover from the sign owner and/or installer the full costs of removal and disposal of such sign.

**K. Electronic Message Signs, LED Signs and all illuminated signs including Outdoor Advertising.**

Electronic message signs displaying time or temperature or a message are permitted as freestanding, wall, projecting, monument or outdoor advertising signs where allowed based on the following conditions:

- (1) The message changes no more than once every five (5) seconds.
- (2) The electronic display shall not be flashing, intermittent, moving, scrolling or animated.

- (3) A change in message must be accomplished within an interval of two (2) seconds or less
- (4) The sign must contain a default design that will freeze the sign in one position if a malfunction occurs.
- (5) The maximum brightness shall be 5000 nits during daylight hours (dawn to dusk). All illuminated signs must comply with the maximum luminance level of seven hundred fifty (750) cd/m<sup>2</sup> or Nits at least one-half hour before Apparent Sunset (dusk), as determined by the National Oceanic and Atmospheric Administration (NOAA), for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, (dawn) as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions.
- (6) All signs along state-maintained roadways must meet North Carolina Department of Transportation regulations.

**(4) Sign Placement and General Conditions.**

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

**A. In General.**

- (1) Signs must be located entirely on private property, unless otherwise permitted by this section.
- (2) No sign may be located so that it blocks the sight triangle at any driveway or public street intersection.

**B. Wall Signs, Suspended Signs, and Projecting Signs.**

- (1) Wall mounted and projecting signs shall not extend above the eave or parapet of any building.
- (2) Projecting Signs shall not extend more than four (4) feet from a building wall in any zoning district.
- (3) Suspended Signs and Projecting Signs located in C-B and N-B districts may extend up to four (4) feet into the public right-of-way and must be at least eight and one-half (8½) feet above the ground level below the sign.
- (4) No wall sign shall exceed eighteen (18) inches from the wall face. In the C-B and N-B districts a wall sign may project up to eighteen (18) inches into the right-of-way if the bottom of the sign is at least eight and one-half (8½) feet above grade.
- (5) Painted wall signs (murals) are allowed only in districts zoned for business and shall not exceed 50% of the wall area upon which the sign is located.

**C. Freestanding Signs.**

- (1) All parts of freestanding signs must be set back a minimum of five (5) feet from the right-of-way and ten (10) feet from any adjacent lot line.
- (2) A twenty (20) foot side-yard setback shall be required if the side lot line abuts a Residential district.
- (3) No freestanding sign shall be located closer than five (5) feet from another structure on the same zoning lot.
- (4) No portion of a freestanding sign, including projections, may extend into or over an existing public right-of-way, unless expressly permitted by this Section.
- (5) A freestanding sign shall not be permitted if a principal structure is located less than thirty (30) feet from the edge of that portion of the road right-of-way parallel to the front of said structure.
- (6) Only one (1) freestanding sign is permitted except two (2) shall be permitted if the lot has direct access from two (2) or more public roads. If two signs are allowed, they

shall be located at least two hundred (200) feet apart as measured using the shortest straight-line distance between the two signs.

**D. Temporary Signs.**

- (1) Temporary signs shall be located on private property unless expressly permitted by this section to be posted on public property.
- (2) All temporary signs shall be anchored, attached, or otherwise affixed to a structure or support so that the sign cannot be easily dislodged by strong winds or heavy rains.
- (3) Temporary displays of holiday or civic events shall not be located in a street right-of-way unless permitted by the County Commissioners or NC Department of Transportation.

**E. Outdoor Advertising, Billboards**

- (1) All billboards shall be no larger than 400 square feet.
- (2) All signs may be illuminated in accordance with Section 7-1(A)(3)(F) and (K)
- (3) No more than two sign faces are allowed per billboard.
- (4) Where a billboard has two faces, each face shall be back-to-back with no more than 10 foot separation or exceed a V-shape in excess of 45 degrees. V-signs that exceed 45 degrees shall be counted as one face and thus shall reduce the allowable permitted sign area.
- (5) No portion of the billboard shall be closer than 35 feet from any street right-of-way or adjoining property line.
- (6) No billboard shall be located any closer than 50 feet to any building or structure on the property or within 200 feet of any pre-existing residential structure on adjoining property measured in a straight-line distance from the nearest point of the sign or residence.

**F. Murals, Building Wraps, Super Graphics**

- (1) Shall be located only on the unfinished walls which are devoid of windows, doors, or other points of access and shall not cover architectural features.
- (2) Shall not use changeable-copy, electronic message centers or video displays.
- (3) Must be maintained and be removed or replaced if deterioration is evident with rips, failure of anchoring, fading or discoloration.
- (4) Anchoring to the building must be substantial and not risk harm to any architectural features of the building.
- (5) Murals, Building Wraps, super Graphics are allowed only in districts zoned for business and shall not exceed 50% of the wall area upon which the sign is located.

**G. Attention-Getting Devices and Statues:** Objects such as statues, symbols, and other items used to attract attention to a lot, building, business or activity:

- (1) Must meet the requirements for Freestanding signs, Section 7-1(A)(4)(C).
- (2) Shall not be mounted above the roof or parapet.
- (3) Must not contain any prohibited elements as described in Section 7-1(A)(11).

**J. Window Signs – Rear Projection**

- (1) Rear-projection displays are allowed, but shall not cover more than 25% of the actual window area on the same façade on the same floor of the building.
- (2) Any interactive window displays must provide an appropriate place for people to stand while performing the interaction which does not impede pedestrian or other transportation.
- (3) If Rear-projection displays are to be used for more than 60 days at the same location, they shall be considered a permanent sign and shall require a permit.

(5) **Permanent Signs by Zoning District.**

Signs shall be permitted and prohibited within certain zoning districts as follows:

**Permanent Signs by Sign Type and Zoning District**

<b>SIGN TYPE</b>	<b>R-A R-40 R-20 R-10</b>	<b>R-8 RM H</b>	<b>N-B</b>	<b>H-B</b>	<b>C-B</b>	<b>G-B</b>	<b>M-1</b>
Canopy/Awning	-	-	Z	Z	Z	Z	Z
Directional/Incidental	P	-	P	P	P	P	P
Directory	-	-	Z	Z	Z	Z	Z
Flag	P	P	P	P	P	P	P
Freestanding (Pole)	-	-	-	Z	-	Z	Z
Marquee	-	Z	Z	Z	Z	Z	Z
Monument (Ground)	Z	Z	Z	Z	Z	Z	Z
Murals, Super Graphics	-	-	Z	Z	Z	Z	-
Outdoor Advertising (Billboard)	-	-	-	Z	-	-	Z
Planned Development (Shopping Center)	-	-	Z	Z	Z	Z	Z
Portable	-	-	P	P	P	P	P
Projecting	-	-	Z	Z	Z	Z	Z
Suspended	-	-	Z	Z	Z	Z	Z
Wall and Projection	Z	-	Z	Z	Z	Z	Z
Window and Rear Projection	-	-	P	P	P	P	P

P = permitted without a permit

Z = permitted only upon issuance of a valid zoning permit

"-" = not permitted

(6) **Sign Height.**

The following provisions shall apply to the height of all signs.

- A. Supporting elements of freestanding signs shall not extend above the sign face and shall be included in the measurement of sign height.

B. Maximum sign height shall be limited by the type of sign and the zoning district in which it is located, as follows:

**Maximum Sign Height by Sign Type (in feet)**

SIGN TYPE	R-A R-40 R-20 R-10	R-8 RMH	N-B	H-B	C-B	G-B	M-1
Canopy/Awning	-	n/a	n/a	n/a	n/a	n/a	n/a
Directional/Incidental	2	2	4	4	4	4	4
Directory	-	-	4	4	4	4	4
Flag, permanent	*	*	*	*	*	*	*
Freestanding (Pole)	8	-	10	10	8	10	20
Marquee	-	n/a	n/a	n/a	n/a	n/a	n/a
Monument (Ground)	4	4	5	5	4	5	5
Murals, Super Graphics	-	-	(3)	(3)	(3)	(3)	-
Outdoor Advertising (Billboard)	-	-	-	10	-	10	10
Planned Development (Shopping Center)	-	-	5	5	5	5	6
Portable	-	-	4	5	4	5	5
Projecting	-	-	(1)	(1)	(1)	(1)	(1)
Suspended	-	-	(1)	(1)	(1)	(1)	(1)
Wall and Projecting	n/a	-	n/a	n/a	n/a	n/a	n/a
Window and Rear Projecting	-	-	(2)	(2)	(2)	(2)	(2)

- Flag poles shall not exceed twice the maximum building height of the highest building on the lot or 40 feet, whichever is less.
- (1) Projecting and Suspended signs shall be at least eight and one-half (8 ½) feet above the ground level below the sign.
- (2) Sign placed on the inside of the window areas shall conceal no more than 25% of the area of the window on which the sign(s) are located.
- (3) Murals shall not extend above the height of the building to which it is attached.
- (7) **Number of Signs Permitted.**

The number of signs by sign type permitted on an individual zoning lot shall be as follows:

**Maximum Number of Signs per Sign Type per Zoning Lot**

<b>SIGN TYPE</b>	<b>R-A R-40 R-20 R-10</b>	<b>R-8 RMH</b>	<b>N-B</b>	<b>H-B</b>	<b>C-B</b>	<b>G-B</b>	<b>M-1</b>
Canopy/Awning	-	1 <sup>(1)</sup>	1 <sup>(1)</sup>	1 <sup>(1)</sup>	1 <sup>(1)</sup>	1 <sup>(1)</sup>	1 <sup>(1)</sup>
Directional/Incidental	2 <sup>(4)</sup>	2 <sup>(4)</sup>	2 <sup>(4)</sup>	2 <sup>(4)</sup>	2 <sup>(4)</sup>	2 <sup>(4)</sup>	2 <sup>(4)</sup>
Directory	-	-	1	1	1	1	1
Flag Permanent	4	4	4	4	4	4	4
Freestanding (Pole)	2 <sup>(6)</sup>	-	2 <sup>(6)</sup>	2 <sup>(6)</sup>	-	2 <sup>(6)</sup>	2 <sup>(6)</sup>
Marquee	-	1	1	1	1	1	1
Monument (Ground)	1 <sup>(6)</sup>	1 <sup>(6)</sup>	1 <sup>(6)</sup>	1 <sup>(6)</sup>	1 <sup>(6)</sup>	1 <sup>(6)</sup>	1 <sup>(6)</sup>
Murals, Super Graphics	-	-	3 <sup>(7)</sup>	3 <sup>(7)</sup>	3 <sup>(7)</sup>	3 <sup>(7)</sup>	-
Outdoor Advertising (Billboard)	-	-	-	-	-	-	1 <sup>(5)</sup>
Planned Development (Shopping Center)	-	-	1 <sup>(3)</sup>	1 <sup>(3)</sup>	1 <sup>(3)</sup>	1 <sup>(3)</sup>	1 <sup>(3)</sup>
Portable	-	-	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>	-
Projecting	-	-	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>
Suspended	-	-	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>
Wall and Projection	1	-	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>	1 <sup>(2)</sup>
Window and Rear Projection	-	-	n/a	n/a	n/a	n/a	n/a

<sup>(1)</sup> Per canopy or awning.

<sup>(2)</sup> Per storefront.

<sup>(3)</sup> Per street front

<sup>(4)</sup> Per development entrance.

<sup>(5)</sup> May be a two-sided (double-faced) sign

<sup>(6)</sup> A second freestanding sign is allowed only if the lot has a direct access to two (2) or more public roads per Section 7-1(A)(4)(C)(6)

<sup>(7)</sup> Up to three (3) signs are allowed but shall not exceed 50% of the unfinished façade of the building in total.

**(8) Sign Area by Zoning District**

The amount of sign area permitted for each sign on a zoning lot shall be as follows:

**Maximum Sign Area Per Sign Per Zoning Lot (in square feet)**

SIGN TYPE	R-A R-40 R-20 R-10	R-8 RMH	N-B	H-B	C-B	G-B	M-1
Canopy/Awning	-	(4)	(4)	(4)	(4)	(4)	(4)
Directional/Incidental	2	2	2	2	2	2	2
Directory	-	-	15	15	15	15	15
Flag permanent	32	32	32	48	32	48	48
Freestanding (Pole)	40	-	40	96	40	40	96
Marquee	-	(1)	(1)	(1)	(1)	(1)	(1)
Monument (Ground)	24	24	24	32	24	24	24
Murals, Super Graphics	-	-	(6)	(6)	(6)	(6)	-
Outdoor Advertising (Billboard)	-	-	-	400	-	400	400
Planned Development (Shopping Center)	-	-	32	32	24	24	24
Portable	-	-	12	12 <sup>(7)</sup>	12	-	-
Projecting	-	-	12	12	12	12	12
Suspended	-	-	6	6	6	6	6
Wall and Projection	8	8	(2)	(2)	(2)(5)	(2)	(2)
Window and Rear Projection	-	-	(3)	(3)	(3)	(3)	(3)

- (1) Shall not exceed 75% of the size of the marquee.  
(2) Shall not exceed 10% of the wall area of the façade on which it is located.  
(3) Shall not exceed 25% of the window area.  
(4) Shall not exceed 10% of the canopy or awning.  
(5) Painted wall signs shall not exceed 50% of the wall area upon which the sign is painted.  
(6) Murals, Building Wraps, Super Graphics shall not exceed 50% of the unfinished façade of the building.  
(7) In S-C Shopping Center District only.



**(9) Permanent Signs Limited.**

**A. Notwithstanding Section 7-1(A)(5) and in addition thereto, the following permanent signs shall be permitted without a zoning permit.**

- (1) Historical markers, regulatory signs, public interest signs, and warning signs erected and maintained by the county or state or an agent of such.
- (2) Directional signs not exceeding four (4) feet in height nor six (6) square feet in area.
- (3) Identification signs not exceeding two (2) feet in height nor two (2) square feet in area.
- (4) Incidental signs.
- (5) Flags on permanent poles mounted to ground or building.
- (6) Any sign not legible or easily noticeable from a public right-of-way and obviously not intended to attract the attention of the public.
- (7) Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance.
- (8) Traffic control signs on private property, the face of which meets Department of Transportation standards.
- (9) Memorial signs, plaques, grave markers or monuments.
- (10) Integral decorative or architectural features of buildings and works of art.
- (11) Signs located within a stadium, ballpark, park, historic site, or arena intended to be read only by persons within the facility.

**B. Notwithstanding Section 7-1(A)(5) and in addition thereto, the following permanent signs shall be permitted upon the issuance of a valid zoning permit.**

- (1) Any sign not expressly listed as permitted without a permit shall require the issuance of a valid zoning permit prior to installation.

**(10) Temporary Signs and Flags Limited**

**A. Temporary Signs and Flags Permitted Without a Permit.**

- (1) The following temporary signs and flags are permitted without a zoning permit in all residential zoning districts, but shall be in conformance with all other requirements of this ordinance:
  - Balloons – less than 2 feet in diameter
  - Banners and Posters – 24 square feet or less
  - Blade, Flutter, Feather Flags – 42 square feet or less
  - Decorations and holiday displays exhibited for less than 60 days
  - Flags – 42 square feet or less based on zoning district
  - Freestanding – 24 square feet or less, one per lot
  - People Signs – 16 square feet or less or as costumed
- (2) The following temporary signs and flags are permitted without a zoning permit in all commercial and industrial zoning districts, but shall be in conformance with all other requirements of this ordinance:
  - Balloons – less than 2 feet in diameter
  - Banners and Posters – 24 square feet or less
  - Blade, Flutter, Feather Flags – 42 square feet or less
  - Decorations and holiday displays – in place no longer than 60 consecutive days
  - Flags – 42 square feet or less based on zoning district

- Freestanding – 24 square feet or less, one per lot
- People Signs – 16 square feet or less or as costumed
- Sidewalk Signs – 12 square feet or less
- Umbrellas – no higher than 8 feet from ground or balcony
- Vehicle signs – permit is required only if the vehicle is stationary during operating hours and located in view of a public right-of-way.
- Window signs – covering less than 25% of window space

**B. Temporary Signs and Flags Requiring a Permit.**

- (1) Any temporary sign not expressly listed as permitted without a permit shall require the issuance of a valid zoning permit prior to installation.

**C. Temporary signs in all districts other than C-B or N-B shall be placed in accordance with the following:**

- (1) No sign shall be permitted in the right-of-way of a public road, sidewalk, bikeway or trail.
- (2) No sign shall be closer than three (3) feet from the edge of the pavement of the road.
- (3) No sign shall obscure motorist visibility at an intersection.
- (4) No sign shall be higher than 60 inches above the edge of the pavement of the road except for balloons, vehicles, flags, blade flags, umbrellas and attention-getting devices.
- (5) No sign shall obscure or replace another sign.
- (6) A temporary sign shall be removed within seven (7) days following the completion of the purpose for which the sign was erected.
- (7) Balloons and other floating devices may be utilized but shall not be tethered at a height which, due to the wind, will cause the device to be above adjacent property not owned or leased by the primary user.
- (8) Umbrellas imprinted with logos and lettering may be utilized but may not exceed eight (8) feet in height above the surface or any balcony visible from a public right-of-way.
- (9) Signs painted on or attached to parked vehicles (Vehicular Signs) visible from a public right-of-way and located on the same or nearby property shall be considered a temporary sign unless the vehicle is mounted to a pole or to the ground.

**D. Temporary signs in C-B or N-B District shall be placed in accordance with the following:**

- (1) No sign shall prevent the traffic flow of a public sidewalk, bikeway or trail or be located within a street.
- (2) No sign shall obscure motorist visibility at an intersection.
- (3) No sign shall obscure or replace another sign.
- (4) No sign shall be higher than 48 inches above the edge of the pavement of the road except for balloons, umbrellas, flags, blade flags, inflatable, air activated and attention-getting devices.
- (5) Other than window signs, all signs shall be displayed only when property/facility is open to the public.
- (6) Vehicular signs may not be used in the C-B or N-B Districts.
- (7) Balloons and other floating devices may not extend above the height of the primary use structure.
- (8) Umbrellas imprinted with logos and lettering may be utilized but may not exceed eight (8) feet in height above the surface or any balcony visible from a public right-of-way.

**E. Temporary flags such as blade, flutter or feather flags:**

- (1) Shall meet the requirements of temporary signs in Section 7-1(A)(10)(C) and (D) above except (4).
- (2) No temporary flag may be higher than 180 inches (15 feet) above the edge of the pavement of the road.
- (3) Shall not be permanently mounted to the ground. (A removable stake is not considered a permanent mount.)
- (4) Shall be displayed only when property/facility is open to the public.
- (5) Temporary flags may be located on a public sidewalk only in the C-B or N-B zoning districts.

**F. Balloon, Inflatable and Air-activated signs shall:**

- (1) Be located at the lot of the use.
- (2) Meet the requirements of temporary signs in Section 7-1(A)(10)(C) and (D) above except (4).
- (3) Be securely fastened to the ground or a structure.
- (4) Comply with all applicable building codes.
- (5) Have only one air-activated sign with movement per lot of use.
- (6) A sign permit is required for any balloon, inflatable device or air-activated sign which is more than 3 feet in height or which remains on display for longer than 60 days.

**G. Banners and Poster signs:**

- (1) Banners and posters attached to buildings shall be mounted below the roof line.
- (2) Banner signs may be utilized for up to 60 days in place of a permanent sign.
- (3) No more than two (2) freestanding or fence-mounted banner signs per lot.
- (4) Shall meet the requirements of temporary signs in Section 7-1(A)(10)(C) and (D).
- (5) If mounted to walls must meet the requirements for Wall Signs. If a permanent wall sign is present, any added banner or poster is cumulative in the sum of wall signage allowed per this Section.
- (6) May not be attached to permanent poles or frames including light poles and sign supports, traffic bollards, or support posts for structures.

**H. People signs:**

- (1) No person holding or acting as a sign shall obstruct a right-of-way including streets, trails, bikeways and sidewalks.
- (2) No sign held by a person shall have an area exceeding 16 square feet.
- (3) One people sign is permitted per lot or storefront whichever is greater.
- (4) May only be used during open hours.
- (5) Shall not use animations, lighting or amplified sounds including bullhorns, speaker systems or megaphones.

**I. Portable Message signs, Sidewalk Signs, Changeable Copy Signs**

- (1) Are only allowed in the NB and CB Districts
- (2) Meet the requirements of Temporary Signs Section 7-1(A)(10)(C) above.
- (3) If sign is an electronic message sign or LED sign it must meet the requirements in Section 7-1(A)(3)(K).
- (4) Shall not exceed 12 square feet in area.

**J. Projected-image Signs (exterior):**

- (1) Must meet the requirements of temporary signs in Section 7-1(A)(10)(C) and (D) above.
- (2) Shall be considered as Wall Signs for measurement of height and area.
- (3) Shall have message changes occur no more than once every eight (8) seconds.

- (4) Shall not have the image projected be flashing, intermittent, moving, and scrolling or animated.
- (5) A change in message must be accomplished within an interval of one (1) second or less.
- (6) The projected-image must contain a default design that will freeze the image in one position if a malfunction occurs.
- (7) The maximum light level shall be 0.5 foot-candle at any residential property line and 1.0 foot-candle at any nonresidential property line.
- (8) All projector lamps emitting 1,000 or more lumens shall be aimed at least 60 degrees down from horizontal, or shielded such that the main beam is not visible from adjacent properties, the public street right-of-way or the night sky.
- (9) Shall not project an image onto any building containing a residential use.
- (10) Projection of images onto the sidewalk or ground require that the projector be securely mounted to a structure and be at least eight and one-half (8 ½) feet above the ground.
- (11) Ground projections shall not extend beyond the property lines or beyond lines drawn from the extension of the existing property lines into the right-of-way of a sidewalk.

**K. Attention-Getting Devices and Statues:**

- (1) Must meet the requirements of temporary signs in Section 7-1(A)(10)(C) and (D) above.
- (2) A sign permit is required for any Attention-getting device or Statue which is more than 3 feet in height or which remains on display for longer than 60 days.

**L. Window Signs/Interactive Displays:**

- (1) Posters and opaque signs are limited to covering 25% of window area.
- (2) Writing and graphics on the same window or set of windows should maintain a similar style.
- (3) Translucent/semi-transparent graphics must allow for 75% of the window area to be clear and allow unobstructed visibility from the exterior of the building.
- (4) Rear-projection displays are allowed, but shall not cover more than 25% of the window area on the same façade on the same floor. Any interactive window displays must provide an appropriate place for people to stand while performing the interaction which does not impede pedestrian or other transportation.

**(11) 408.11 Prohibited Signs.**

Notwithstanding Section 7-1(A)5 and in addition thereto, the following signs, both permanent and temporary, are prohibited in all zoning districts:

- A. Signs extending into the public right-of-way other than those expressly permitted by this section or otherwise approved by the County Commission.
- B. Roof signs.
- C. Flashing, swinging, wind-activated, rotating, smoking, steaming, fume emitting, sound/noise emitting or animated signs.
- D. Any sign which obstructs the view of motorists, pedestrians, or cyclists using any street, sidewalk, bike path, or driveway, or which obstructs the approach to any street intersection or railroad crossing, or which interferes with the effectiveness of any traffic sign, device, or signal.
- E. Illuminated or highly reflective signs which hamper the vision of motorists, pedestrians or cyclists.
- F. Any sign that resembles traffic signals, traffic signs, or emergency vehicle lights and any other sign not erected by a public authority which may be erroneously construed as governmental signs or emergency warning signs.

- G. Beacons, pennants, and strings of lights not permanently mounted to a rigid background, except those permitted as temporary signs.
- H. Any sign that interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air except for permitted window signs.
- I. Any sign mounted on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other similar structure or surface unless expressly permitted in this Section.
- J. Any sign located on, over, or across any public street right-of-way or property unless expressly authorized by this Section or the Town Council.
- K. Any sign listed as not permitted in Section 7-1(A)(5) or any sign not expressly permitted by this Section.

**408.12 (12) Enforcement of Regulations.**

- A. Any structure defined as a sign herein that is erected or placed anywhere in Stanly County after adoption of this ordinance that is not in compliance with the provisions of this section shall be subject to the enforcement provisions outlined in Section 7-1(A)4 of the Zoning Ordinance.
- B. Notwithstanding any other provision of this Section or of related standards referenced in this ordinance, applications for permits and enforcement actions will be reviewed only with respect to sign structure or placement, and excluding any reference to message, category, subject, topic, or viewpoint.

**408.13 (13) Public Purpose Signs**

Signs posted by duly constituted public authorities in pursuance of their public duties are permitted in any zoned district provided that they meet all requirements of Section 7-1 of this Ordinance.



## **ARTICLE VIII. GENERAL PROVISIONS.**

### **8-1. Conformity Required.**

No person may use, occupy, or sell any land, structure, or building or authorize or allow the use, occupancy, or sale of any land, structure, or building under his control except in accordance with all of the applicable provisions of this ordinance. For the purpose of this ordinance, the use or occupancy of structures and buildings shall relate to anything and everything that is done to, on, or in the land, structures, or buildings.

### **8-2. Height, Density, Access.**

No building shall hereafter be erected or altered so as to exceed the height limit, or to exceed the density regulations of this ordinance for the district in which it is located. No commercial or residential structure or building shall be erected or placed on any lot which does not abut a publicly dedicated street, or a developed and recorded right-of-way affording legal access to a publicly dedicated street.

### **8-3. Street Frontage Required.**

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

- (A) Any lot for which a residential use or lot has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private and exclusive recorded easement of at least fifteen feet in width connecting said lot to a public street, may be used as if it abutted a street, provided that it is served by a driveway located on said easement.
- (B) Any lot for which a non-residential use has been legally established prior to the effective date of this ordinance in accordance with provisions permitting establishment of use on a lot served by a private, exclusive recorded easement of at least fifteen feet in width connecting said lot to a public street, may be construed in the same manner as a lot abutting a street provided that it is served with a driveway built to appropriate standards located on the permanent, recorded easement.
- (C) A development site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan and which is accessed solely by driveways shall only be required to abut a public street along some portion of the development site the minimum distance of which shall be determined by the town to be adequate for public and emergency vehicle access but which shall not be less than thirty-five feet.
- (D) A multi-family, townhouse, condominium, or industrial development site consisting of one or more legal lots of record which is developed under a coordinated, approved site specific plan may be permitted, on a case-by-case basis, to be served by a private street network and shall only be required to abut a public street along some portion of the development site the minimum distance of which shall be determined by the town to be

adequate for public and emergency vehicle access but which shall not be less than thirty-five feet.

- (E) The minimum right-of-way width where a public street frontage is not available shall be fifteen feet. Easements serving more than one residence may be required to have greater minimum width as provided in other applicable zoning ordinance sections. The minimum lot frontage on a publicly dedicated or publicly maintained road shall be thirty-five feet. Pre-existing non-conforming lot frontage or easement width shall not prevent issuance of certificate of zoning compliance.

**8-4. Lot Size.**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per family, or other requirements of this ordinance are not maintained. This prohibition shall not be construed to prevent the conterminous of narrow strips of land for public utilities or street right-of-way purposes.

**8-5. Yard Use Limitations.**

No part of a yard or other open space required around any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space similarly required for another building.

**8-6. One Principal Building per Lot; Exceptions.**

Only one principal building and its customary accessory building(s) may be erected on any lot, except that multiple principal buildings used as part of a permitted commercial, industrial, institutional, multi-family, mixed use or governmental development may be erected on a single lot of record or as expressly permitted by this ordinance when such buildings meet all of the location and design requirements set out herein.

**8-7. Nonconforming Uses or Structures.**

Any building, structure, or use of land existing at the time of the enactment of this ordinance or any amendment thereto may be continued subject to the following provisions. They shall not be:

- (A) Enlarged or extended except in conformity with this ordinance, except that existing residential single-family structures located in a district that does not normally permit such use may be enlarged provided setback requirements of the R-8 district are maintained with no additional dwelling units.
- (B) Re-established as a nonconforming use or structure after a discontinuance of 180 days from the date of destruction, abatement or abandonment except as otherwise noted in this ordinance.
- (C) If no structural expansions are made, any nonconforming use of a structure and premises may, as a special use, be changed to another nonconforming use provided that the board of adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate to the district as the existing nonconforming use. In permitting such change, the board of adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.



- (D) Nonconforming signs will be allowed to remain indefinitely in good repair unless specified in this ordinance. However, under the following conditions, all signs shall be changed to conform to the regulations of this ordinance:
- (1) Structural alterations to extend the life of such sign, including illumination, location, height, or sign area changes shall not be allowed on nonconforming signs. Information presented on such signs may be changed.
  - (2) Any nonconforming sign on a building or parcel, the use of which ceases for a period of ninety days, shall be altered to conform to the requirements of this ordinance.
  - (3) Any nonconforming sign damaged over sixty percent of its listed tax value, by any means (e.g., act of God, intentional or otherwise, etc.), either shall be removed or repaired in a manner to conform with the regulations of this ordinance. The method of computing sign damage shall be the real retail cost of such sign replacement and not material cost alone.
  - (4) All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of a lack of maintenance.
  - (5) If a nonconforming off-premise sign remains blank for a continuous period of twelve months, that off premise sign shall be deemed abandoned and shall, within thirty days after such abandonment, be altered to comply with this article or be removed by the signs owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if:
    - a) It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
    - b) The advertising message it displays becomes illegible in whole or substantial part; or
    - c) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.
  - (6) If a nonconforming sign other than an off premise sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
  - (7) A nonconforming sign or off premise sign shall not be moved or replaced except to bring the sign into complete conformity with this ordinance.
- (E) Nonconforming manufactured homes located in nonconforming manufactured home parks or on individual lots shall comply with the following applicable regulations:

- (1) Manufactured home parks whether or not approved under the zoning ordinance, shall comply with the following criteria for replacement of any manufactured home in the park from the date of this ordinance:
  - a) All roadways shall be properly graded; maintained and street graveled to a minimum eighteen foot in width per NCDOT design and construction standards. Roadways shall be construed to include the travel-way from the state maintained road right-of-way to the manufactured home site required parking area.
  - b) Replacement manufactured homes shall meet the requirements for a Class A as defined in this ordinance unless the existing unit qualifies as a Class A manufactured home in which a Class A manufactured home shall be its only replacement. Non Class A manufactured homes are allowed to continue, but if moved, they can only be replaced with a Class A manufactured home.
  - c) Setbacks are as follows: fifty feet from the front, rear and side to the adjoining property lines or park boundaries; thirty feet from any interior roadway and a twenty foot separation from each individual manufactured home and/or accessory buildings not serving the individual manufactured home. Accessory buildings shall not be larger than twelve foot by twelve foot. Current manufactured homes can be replaced with the same footprint within six months from the date of removal.
  - d) Two ten foot by twenty foot parking spaces street graveled with not less than two inches of crushed stone or other suitable material on a well-compacted sub base shall be provided at each manufactured home space. Spaces may be side-by-side, tangential, or placed otherwise within the manufactured home space adjacent to the park driveway.
  - e) All required driveways, cul-de-sacs, and parking areas shall be paved either with concrete or asphalt, or street graveled (per section 5-5.(C) maintained free of vegetation, potholes, gullies, poor drainage areas or other impediments to normal vehicular operation. Stone used for sub-surfacing of parking areas shall be #7ABC grade or smaller, and shall be further subject to approval and periodic inspection by the zoning enforcement officer or inspector.
  - f) Each replacement manufactured home shall be provided with a minimum five foot by seven foot concrete pad and steps or a minimum five foot by seven foot porch or deck and steps constructed to building code standards at the front entrance to the manufactured home.
  - g) Prior to inspection and/or occupancy of any manufactured home, a park name and address sign shall be provided at the main entrance, which shall be clearly visible from the publicly maintained road. The sign shall show the park name in letters at least three inches in height and the address in numerals at least five inches in height. Each manufactured home space will be assigned a sequential number throughout the park. Prior to inspection and/or occupancy of any home, the approved lot number must be clearly displayed on the front of the manufactured home or adjacent thereto, so as to be legible from the park drive. Space numbers shall be a minimum of four inches in height.

- (2) Nonconforming manufactured homes located on individual lots shall comply with the following criteria in order for replacement of a manufactured home unless replaced within ninety days under the same ownership following removal or destruction of the existing unit. NOTE: If the nonconforming manufactured home is not replaced within the ninety days, the replacement structure shall meet the regulations of the underlying zoning district. This shall be construed to mean that a site built or modular home may be required as a replacement structure:
- a) The replacement manufactured home shall meet all the requirements for a Class A, as defined in this ordinance. In no case shall the existing manufactured home be replaced with a lower class manufactured home as defined in this ordinance.
  - b) The replacement manufactured home and any accessory structures shall comply with the zoning setbacks as required in the underlying zoning district.

**8-8. Separation of Buildings.**

On any single lot of record, principal structure (where more than one is allowed) shall be separated by a minimum thirty feet of yard area.

**8-9. Non-Residential Principal Structure Setbacks in Residential Districts.**

Wherever non-residential principal structures are allowed within residential zoned districts, non-residential principal structures shall be required to maintain the same setbacks as required of residential structures in that district.

**8-10. Minor Site Development Plans.**

Site improvements or building additions to existing developments may submit the following in lieu of a major site development plan:

- (A) If the site has a previously reviewed and approved site plan, the changes or additions to the plan may be submitted in accordance with section 9-9. with the title block being properly amended.
- (B) If no previously reviewed and approved site plan exists, a site plan as described in section 9-6. must be submitted.

**8-11. General Standards for Site Development.**

All development, other than single-family, two-family and agriculture, shall conform to the following standards:

(A) *Land ownership.*

All land within multi-unit developments shall be in single, or joint ownership or whatever for the petitioner shall have the right to acquire ownership under a valid option, and this information shall be included in the submission. Satisfactory arrangements shall be made for the ownership of land in common space.

(B) *Pedestrian ways.*

Sidewalks or pathways systems shall be provided from parking areas to the main building entrance. Surface materials, width, and alignment shall be shown.

(C) *Land coverage.*

Land covered by impermeable surfaces shall not exceed eighty percent of the total site outside of any rights-of-way.

(D) *Storage.*

Storage areas either proposed now or in the future shall be shown.

All provisions of this zoning ordinance which apply to the site under review of the development shall be included with the site plan. Areas deserving particular attention include the following: buffering, landscaping, visibility at intersections and signage locations.

**8-12. Lot of Record.**

(A) Where the owner of a lot of official record in any district at the adoption of this ordinance or his successor in title thereto does not have sufficient contiguous land to enable him to conform to the minimum lot size requirements of this ordinance, such lot may be used as building site; provided, however, that the setback requirements of the district are complied with or a variance is obtained from the board of adjustment. No such variance may be granted to allow residential structures closer to any side property line than seven and one-half feet.

(B) Notwithstanding the foregoing, whenever two or more adjoining vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area or width than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located.

**8-13. Front Yard Setbacks for Dwellings.**

The front yard setback requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within 100 feet on either side of the proposed dwelling and on the same side of the same block and use district and fronting on the same street as such lot is less than the minimum required front yard depth. In such case, the setback on such lots may be less than the required setback, but not less than the average of the existing setbacks on the aforementioned lots, or a distance of ten feet, from the street right-of-way line, whichever is greater.

**8-14. Height Limitations and Exceptions.**

(A) The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, telecommunications towers, chimneys, smokestacks, conveyors, flag poles, radio towers, television towers, masts, aerials, and similar structures except as otherwise provided in the vicinity of airports.

(B) In no instance shall any of the provisions of this section apply to:

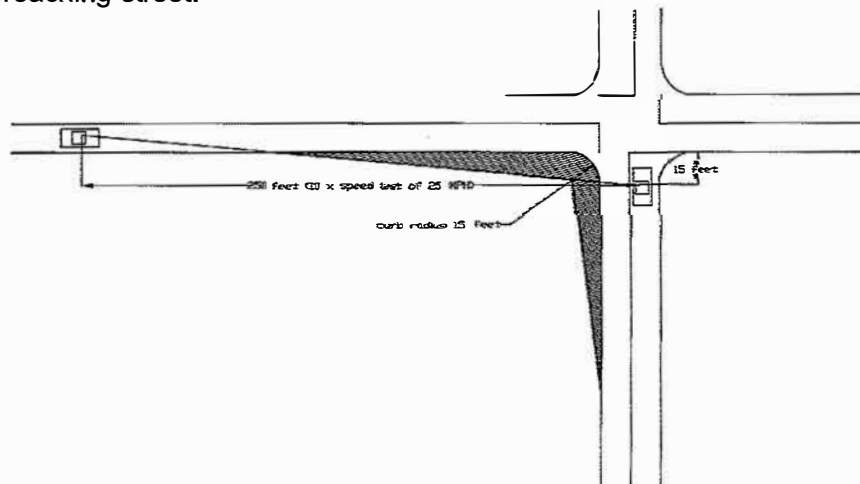
- (1) Telecommunications towers and facilities (as defined in section 10-2.). Refer to section 4-64. for requirements.
- (2) Towers erected and maintained by a public authority for public safety or emergency communication purposes except as stated below.

Towers shall not encroach upon the approach/departure path of the Stanly County airport.

- (3) Antennas or antenna structures used by individuals or groups licensed in the amateur radio service by the federal communication commission except as stated below:
  - a) Towers shall not be used by any other use, company or agency unless in accordance with section 4-64. of this ordinance.
  - b) Towers shall not encroach upon the approach/departure path of the Stanly County airport.

**8-15. Visibility at Intersections.**

- (A) A clear view at each corner of an intersection shall be maintained by establishing an unobstructed "sight triangle." The extent of the required sight triangle varies according to the speed limit of streets forming the intersection. For streets signed thirty-five MPH or greater, the area to be clear of view obstructions at unsignalized intersections is generally to be the triangular area formed by the point of intersection of street right-of-way lines and a point located along each right-of-way line at a distance of thirty-five feet from the point of intersection. For intersecting streets signed for less than thirty-five MPH, the shaded area in the figure below illustrates the area which must, in most instances, be clear of obstructions to driver visibility at unsignalized intersections. As indicated, the clear sight triangle will vary according to speed limit for traffic on the approaching street.



- (B) No planting, structure, sign, fence, wall, man-made berm, or other obstruction to vision shall be installed, constructed, set out, or maintained so as to obstruct cross-visibility in the sight triangle between thirty inches and seventy-two inches above the level of the center of the street intersection.

- (C) The limitations of this section may be modified by the zoning administrator in the instances noted below, so long as adequate visibility is maintained relative to intended speed limit:
- (1) Existing natural grades;
  - (2) Trees trimmed such that no limbs or foliage extend into the area between thirty and seventy-two inches above the level of the adjacent intersection;
  - (3) Fire hydrants, public utility poles, street markers, government signs, electrical junction boxes, and traffic control devices;
  - (4) Buildings located in the CB district;
  - (5) The approved and intentional use of traffic calming techniques to reduce speed; these include, but are not limited to: a series of hill crests, neckdowns, intersection diverters, and curb bulbs.

**8-16. Building Separation.**

All detached principal structures in all districts shall preserve a minimum building separation of ten feet. The requirement of the district or the existing pattern of building spacing along a street may require a greater separation or the provision of specified side yards.

**8-17. Driveways.**

- (A) No driveway or other point of access to the street shall be constructed, relocated, or altered unless the driveway has been approved by the zoning administrator.
- (B) For development projects composed of multiple buildings and lots, access to the pre-existing public street system shall be determined by the location of proposed intersecting streets, topography, and other general site characteristics. No parcel of land which is a functional part of the overall development, even though it may be removed by the developer from the rest of the project area by subdivision or by metes and bounds description, shall be permitted to have driveway access to the public streets bounding the project area unless so approved by the zoning administrator as part of the development project.

**8-18. Accessory Structures and Uses.**

- (A) In no event shall "accessory use" or "accessory structure" be construed to authorize a use or structure not otherwise permitted in the district in which the principal use is located.
- (B) All accessory uses and accessory structures shall conform to the applicable requirements of this ordinance, including all dimensional requirements and use, design and landscaping standards applicable to the primary use/structure. The provisions of this section establish additional requirements and restrictions for particular accessory uses and structures.

- (C) Accessory uses and structures that are clearly related to and incidental to the permitted principal use or structure on the lot are permitted in all districts. Accessory dwellings shall also meet the requirements of section 4-2.
- (D) All accessory uses and structures shall require the issuance of a zoning permit.
- (E) Structures accessory to residential uses (except in the RA district) shall have a combined floor area (aggregate of all detached accessory structures) of no more than thirty-three percent of the total floor area of the principal structure.
- (F) Accessory structures shall meet the following side and rear yard setbacks:
  - (1) In all districts except the CB district, setbacks shall be ten feet.
  - (2) In the CB district setbacks shall be five feet.
  - (3) No accessory structure shall be located in a required front yard nor shall any accessory structure on a residential lot located in any zoning district be placed between the street and the rear building line of the principal structure except that:
    - a) Accessory structures located more than 100 feet from the street may be placed in the front yard of a property in the RA district; and
    - b) Detached garages shall be permitted in side yards.
- (G) Petroleum storage, accessory to a permitted principal use or building is permitted.
- (H) Temporary buildings and storage of materials are permitted, provided that the use is in conjunction with the construction of a building on the same lot or on an adjacent lot; the temporary uses shall be terminated upon completion of construction.

**8-19. Negative Access Easements.**

Private negative access easements in which no driveway or other vehicle or pedestrian access is permitted to a lot from an adjacent public street, shall be prohibited, except those easements required by the town to limit driveways on existing public streets.

**8-20. Use of Loud Speakers Prohibited.**

The use of outdoor loud speakers to communicate with workers, customers or other individuals, to amplify or project phone signals or ringers or to broadcast music or information of any kind shall be prohibited except that outdoor broadcasts of emergency sirens shall be permitted and the use of such devices at or in conjunction with any outdoor event, theatrical production, or similar occasion approved by the town council, and speakers which are not audible to persons with normal sensitivities who are located on immediately adjacent parcels or streets shall also be permitted.

**8.21. Swimming Pools.**

Swimming pools located on any site, including single family residential sites, shall be:

- (A) Located in a side or rear yard only.

- (B) Located a minimum of twenty feet from any property line. (See section 4-53. for possible additional setback requirements.)
- (C) Completely enclosed by a fence or wall no less than four feet and no more than eight feet in height above grade as measured on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device.



## ARTICLE IX. ADMINISTRATION.

### 9-1. The Staff.

(A) *The zoning enforcement officer.*

- (1) The position of zoning enforcement officer is hereby authorized, and it shall be his duty to enforce and administer the provisions of this ordinance.
- (2) If a ruling of the zoning enforcement officer is questioned, the aggrieved party or parties may appeal such ruling to the board of adjustment.

### 9-2. The Boards.

(A) *The planning board. A Planning Board is hereby established as provided in Section 106D-301 of the General Statutes of North Carolina*

- (1) Every proposed amendment, supplement, change modification or repeal to this ordinance shall be referred to the planning board for its recommendation and report, provided that no proposal shall be considered by the planning board within ten working days from filing of the proposal with the zoning enforcement officer. This requirement may be waived by a unanimous vote of the planning board membership present at the meeting.
- (2) Failure of the planning board to make its recommendation for a period of forty-five days after the amendment has been referred to it shall require that the request be forwarded to the town council without a recommendation.
- (3) The planning board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the town council that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board.
- (4) The Planning Board shall keep minutes of its proceedings (G.S. 160D-308). Additionally, all Planning Board members, before entering their duties, must take an oath of office (G.S. 160D-309). Members of the Planning Board shall not vote on advisory or legislative decisions regarding a development regulation where the outcome of the matter being considered is likely to have a direct, substantial, and readily identifiable financial impact on the member. A Planning Board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship (G.S. 160D-109)
- (5) The Planning Board shall consist of five (5) regular members and two (2) alternates. If an ETJ is present, equal representation ratio will be required. (The population estimates for this calculation shall be updated no less frequently than after each decennial census.) (G.S. 160D -307).and have been duly appointed by the Town Board.

(B) *Conflicts of interest.*

No member of town council or any appointed board shall vote on any zoning map or text amendment request where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(C) *The board of adjustment.*

(1) *Establishment.*

- a) A board of adjustment is hereby established. Said board shall consist of five members. Members of the board shall be appointed by the town council. Initial terms of office shall be as follows: one member appointed for a term of one year; two members appointed for terms of two years; and three members appointed for terms of three years. Upon completion of the initial term of office for each member, all additional appointments to vacancies on the board shall be for three year terms. The members of the board of adjustment shall be residents of the town. ~~A temporary board of adjustment may be established with unlimited number of council members until a more regular board is created. Once created, council members can make up no more than one position.~~ Board of Zoning Adjustment shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision (G.S. 160D-406). Members of the Board of Zoning Adjustments shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a board member's participation at or prior to the hearing or vote on that matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection. For purposes of this section, a close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. 12 (G.S. 160D-10)(d), (e), (f).
- b) The town council shall also appoint two alternate members to serve on the board of adjustment in the absence, for any cause, of any regular member. Such alternate members shall be appointed for three year terms, provided, however, that in the case of the first appointment of alternate members, one shall be appointed for a three year term and one shall be appointed for a two year term. Such alternate members, while attending all regular or special meeting of the board and serving in the absence of any regular member, shall have and exercise all the powers and duties of such regular member so absent.

(2) *Proceedings of the board of adjustment.*

- a) The board shall elect a chairman and vice-chairman from among its members, who in turn will appoint a secretary and such other subordinates as may be authorized by the town council. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating such fact, and also keep records of its examinations and other official action.
- b) The concurring vote of four members of the board of adjustment shall be necessary to reverse any order, requirement, decision or determination of the zoning enforcement officer, or to decide in favor of the applicant any matter on which it is required to pass under the zoning ordinance or to effect any variation in such ordinance. A simple majority shall rule on all other matters. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi judicial matter shall not be considered 'members of the board' for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.
- c) Oaths. The chair of the Board or any member acting as chair and the clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.
- d) An appeal to the Board of Adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning or unified development ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:
1. Any person, who has standing, or the county, pursuant to 160D-1402, may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal.
  2. The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first class mail.
  3. The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
  4. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.
  5. The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is

taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

6. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
7. Subject to the provisions of subdivision (6) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.
8. The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.
9. When hearing an appeal pursuant to **160D-402** in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in **160D-402(f)**.
10. The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

f) Variances. When unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist

that may justify the granting of a variance shall not be regarded as a self created hardship.

4. The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- g) A member of the board of adjustment shall not participate in or vote on any quasi judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close family, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(3) *Powers and duties.*

- a) The board shall have the power to hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of this ordinance.
- b) The board may interpret zoning maps, pass upon disputed questions of lot lines or district boundary lines, and hear and decide all matters referred to it or upon which it is required to pass under the zoning ordinance.
- c) The board shall have the power to grant variances from the terms of this ordinance according to the standards and procedures prescribed herein.
- d) The board shall have the power to grant special use permits for certain uses as specified in the table of uses.
- e) The board shall have the power to grant special exception permits for certain uses as a major waiver from one or more of the development standards required by this ordinance
- f) The Board of Adjustment through the chair, or in the chair's absence anyone acting as chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(D) *The town council.*

The town council shall have the following duties related to this ordinance:

- (1) To review and from time-to-time initiate changes to this ordinance.
- (2) To decide upon any application or request for amendment to this ordinance or the zoning maps.
- (3) To take any other action not delegated to the planning board or board of adjustment as the town council may deem desirable and necessary to implement the provisions of this ordinance.

(E) *Conflicts of interest.*

No member of town council or any appointed board shall vote on any zoning map or text amendment request where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

9-3. **Permits.**

(A) *Permit required.*

A certificate of compliance, issued by the zoning enforcement officer, is required in advance of:

- (1) Occupancy or use of a building hereafter erected, altered, or changed.
- (2) A change of use of any building or land.
- (3) A non-conforming use created by the passage and subsequent amendments to this ordinance. The owner of such non-conforming use shall obtain a certificate of compliance within thirty days of the date of said passage or amendments.
- (4) A certificate of compliance, either for the whole or a part of a building, shall be applied for coincident with the application for a zoning clearance and shall be issued within ten days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this ordinance.
- (5) A certificate of compliance shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of compliance is denied, the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the zoning enforcement officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

(B) *Issuance of zoning compliance certificate.*

No building, sign or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the zoning enforcement officer or his designated agent has issued a certificate of zoning compliance for such work. Every person

obtaining a certificate of zoning compliance hereunder shall pay a fee as approved by the town council. Administrator shall issue a zoning permit when the regulations of this ordinance have been followed, or to refuse to issue the same in the event of noncompliance. Written notice of such determination therefore shall be given to the applicant and property owner (G.S. 160D-403(b)), the administrative officer may provide their determination in print or electronic form; if electronic form is used then it must be protected from further editing (G.S. 160D-403(a)).

(C) *Application for certificate of zoning compliance.*

Each application to the zoning enforcement officer for a certificate of zoning compliance shall be accompanied by plot plans showing:

- (1) The actual dimensions of the lot to be built upon;
- (2) The size of the building to be erected;
- (3) The location of the building on the lot;
- (4) The location of existing structures on the lot, if any;
- (5) The number of dwelling units the building is designed to accommodate; and
- (6) Such other information as may be essential for determining whether the provisions of this ordinance are being observed.

(D) *Expiration of a certificate of zoning compliance.*

Any certificate of zoning compliance issued shall expire and be canceled unless the work authorized by it shall have begun within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one year. Written notice thereof shall be given to the persons affected, including notice that further work as described in the canceled permit shall not proceed unless and until another zoning clearance has been obtained.

**9-4. Design Review.**

(A) *Permitting procedure.*

Any application for design approval shall include architectural renderings, building elevations, site plans, and landscaping plans with sufficient detail thereon for the approving authority to determine compliance with all of the standards of this ordinance. Furthermore, the applicant shall be required to provide any and all additional information deemed by such authority as necessary to determine compliance with these standards prior to permit issuance. Failure to submit all necessary information shall be grounds for permit denial.

(B) *Waiver of architectural and site design requirements.*

In order to encourage creative design, to avoid undue hardship, and to expedite the zoning approval process for developments within the town, a waiver of any of the

architectural or site design requirements contained within this ordinance may be approved as follows.

(1) *Minor waiver.*

The zoning administrator is authorized to grant a minor waiver from the standards of this section subject to the following:

- a) Any request for a waiver of a standard set forth in the section including, but not necessarily limited to, height requirements and limitation, yard requirements, parking requirements, screening or buffer requirements, planting requirements, ratio requirements, density requirements, spacing requirements, and landscaping material, building design, and parking lot layout shall be granted only after the applicant has demonstrated that:
  - 1) The deviation was a result of unique conditions of the property; or
  - 2) The deviation will result in a project that is at least equal to or better than what would be accomplished under the strict application of this section.
- b) Before granting a minor waiver the zoning administrator shall reasonably determine that granting the waiver:
  - 1) Does not and will not violate the spirit and intent of the section; and
  - 2) Does not and will not adversely affect the rights of other property owners in any material manner.
- c) A minor waiver may not deviate by more than ten percent from any of the measurable standards of this section.
- d) The authority given to the zoning administrator to grant such waivers shall be construed to be permissive and not mandatory and the zoning administrator may decline to make such waiver. In the event this occurs, the applicant shall have the right to request a special exception permit from the board of adjustment granting a major waiver to these requirements.
- e) Nothing in this section shall be construed as limiting the zoning administrator's duties and rights under this section, or an applicant's right to appeal the decision of the zoning administrator to the board of adjustment.

(2) *Major waiver.*

The board of adjustment is authorized to grant a major waiver from the standards of this ordinance through the issuance of a special exception permit. Application and issuance of such permits shall be governed as follows.

a) *Applicants.*

A request for a special exception permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner.



b) *Applications.*

Applications for all special exception permits or amendments to any approved special exception permit must be filed with the zoning administrator. Applications which are not complete shall be returned to the applicant, with a notation of the deficiencies in the application. A complete application will include all of the following:

- 1) A completed application form signed by all of the property owners of the property or land proposed for the permit, or a completed application form signed by the developer along with an affidavit signed by all property owners giving the applicant the permission to pursue the permit and to bind the property to the proposal and to conditions which the board might impose.
- 2) A complete explanation of the purpose and extent of the requested waiver including sealed site plans and architectural renderings when applicable or requested by the zoning administrator or the board of adjustment.
- 3) Documentation containing facts which will be used to support the petition, including but not limited to deed restrictions, proposed homeowners association documents, and statements from adjacent property owners (where applicable).
- 4) All appropriate fees.
- 5) A complete listing of all owners of adjacent property, their addresses, and tax identification numbers.
- 6) Any other information deemed by the zoning administrator or the board of adjustment to be necessary for sufficient review of the application.

c) *Staff review.*

All applications for a special exception permit shall be reviewed by the zoning administrator prior to board of adjustment review. The zoning administrator shall determine the number of copies to be submitted by the petitioner to ensure that there are sufficient copies to send to the board, the technical review committee, and all other appropriate agencies for review and comment. The applicant shall submit a completed application no later than fifteen working days prior to the board meeting at which the petition is to be heard. If the application is found to be incomplete, the developer shall be notified and the petition rejected.

d) *Cooperation.*

The developer is strongly encouraged to work closely with staff and neighboring property owners before and during the application and review process to minimize delays and address concerns which may arise.

e) *Board review.*

The board of adjustment shall review the application for a waiver in the context of the spirit and intent of the requirements of this section; existing, proposed, and planned development in the immediate area; similar properties and situations in other areas of the town's jurisdiction; and all other applicable regulations affecting the property.

f) *Required general findings.*

No special exception permit shall be approved by the board of adjustment unless the following general findings of fact are made concerning the proposed special use:

- 1) The proposed development represents a design in site and/or architecture which will result in a development that is equivalent to or superior to that achievable under the applicable regulations;
- 2) The proposed development will be compatible with and will not substantially injure the value of adjoining property;
- 3) The proposed development is consistent with the intent of this section.

g) *Withdrawal or amendment of a special exception permit application.*

An application for a special exception permit may be withdrawn or amended as follows:

- 1) A petition filed according to this section may be withdrawn by the petitioner at any time up to the scheduling of the date of the public hearing on the petition.
- 2) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the zoning administrator. On the date scheduled for the hearing, the board of adjustment may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
- 3) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the zoning administrator no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, board of adjustment and other interested parties may be presented at the hearing and considered by the board of adjustment during their deliberations.
- 4) If the board of adjustment deems any amendment to be a substantial change to the petition, it shall defer action on the petition for thirty

days to allow interested parties the opportunity to comment on the amendment to the petition.

- 5) If the board of adjustment deems any amendment to be an intensification of the petition, it shall call for a new public hearing.

h) *Hearing.*

- 1) A special exception permit hearing will be conducted as a quasi-judicial hearing before the board of adjustment.
- 2) The applicant has the burden of producing competent, material, and substantial evidence in support of the application.

i) *Decision.*

In considering an application for a special exception permit, the board of adjustment may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relation to surrounding property, for the purpose of insuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized. Such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the board of adjustment may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the board of adjustment.

j) *Effect of approval.*

An approved application for a special exception permit and all conditions which may be attached thereto are binding on the property.

k) *Subdivisions.*

Approval of applications involving major subdivisions of land, as defined in the Town of Red Cross subdivision regulations, shall be contingent upon preliminary plat approval by the planning board. Approval of the plat shall allow the applicant to proceed with the development as approved within the permit.

l) *Amendment to an approved special exception permit.*

- 1) Any change to a development approved by special exception permit shall require an amendment to the special exception permit by the board of adjustment.
- 2) The owner of property which is subject to an approved special exception permit may petition for an amendment of the special

exception permit and accompanying conditions by following the procedures applicable to initiation of new special exception permits.

- 3) Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special exception permit, any plans or conditions which were a part of the original special exception permit, and the present standards and requirements in this section.

m) *Appeals.*

Any petition for review by superior court shall be filed with the clerk of superior court within thirty days after a written copy of the decision of the board of adjustment is filed in the office of the zoning administrator or is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later.

n) *Revocation of a special exception permit.*

- 1) A special exception permit may be revoked by the board of adjustment if it determines that the applicant is exceeding the authority granted by the permit or fails to meet the conditions attached thereto.

- 2) Action to revoke a permit shall be taken by the board of adjustment after receiving a request from staff. Such a request shall be in writing and shall declare that the applicant and all property owners within the development, as recorded at the register of deeds office, have been notified at least ten days before the meeting of the pending action and the date, time, and place of the board of adjustment meeting at which the request will be made. Said applicant and property owners shall have the right to appear before the board of adjustment at said meeting and show cause why the board of adjustment should not revoke the permit. Notification shall be deemed given when written notice is sent by first class mail to the property owner at the address shown on the most recent property tax records and one or more signs are posted in prominent locations on the subject site reasonably calculated to give notice of the action.

o) *Expiration of a special exception permit.*

- 1) Approval of a special exception permit shall confer upon the developer all vested rights as set forth in this section.
- 2) In order for a special exception permit to remain in effect for a particular development, a valid building permit must be issued for construction within the time period vested. If at any time after this date, construction has not been completed and no valid building permits are outstanding for construction within the development, the special exception permit shall expire. No further construction may occur within the development until a new special exception permit has been issued by the board of adjustment. Application for a new special exception permit shall follow the procedures outlined in this section.

9-5. **Special Use Permits.**

(A) *Permit required.*

No zoning or building permit shall be issued until a special use permit for the requested use has been approved by the board of adjustment.

(B) *Applicants.*

A request for a special use permit will be considered only if requested by the owner of the property in question or an authorized agent of the property owner.

(C) *Applications.*

Applications for all special use permits or amendments to any approved special use permit must be filed with the zoning administrator. Applications which are not complete shall be returned to the applicant, with a notation of the deficiencies in the application. The zoning administrator has the authority to waive any application requirements where the type of use or scale of proposal makes that information unnecessary or impractical. A complete application will include all of the following:

- (1) A completed application form signed by all of the property owners of the area proposed for the permit, or a completed application form signed by the developer along with an affidavit signed by all property owners giving the applicant the permission to pursue the permit and to bind the property to the proposal and to conditions which the town council might impose.
- (2) A complete explanation of the proposed use(s) of the property.
- (3) A major development site plan.
- (4) A preliminary subdivision plat which meets all of the requirements of the subdivision ordinance when subdivision of the land is proposed.
- (5) Documentation containing facts which will be used to support the petition, including but not limited to deed restrictions, letter of sufficiency regarding public water and sewer, proposed homeowners association documents, and appropriate county and state approvals.
- (6) All appropriate fees.
- (7) A complete listing of all owners of adjacent property, their addresses, and tax identification numbers.
- (8) A synopsis or overview of the project, including information relevant to use, density, lot layout, housing type, planned amenities, and the like.
- (9) Any other information deemed by the zoning administrator to be necessary for sufficient review of the application.

(D) *Staff review.*

(1) *Sketch plan.*

Prior to submission of the complete application, all subdivision developers are required to submit a sketch plan for staff review. Preparation and review of the sketch plan shall conform to the requirements of the Town of Red Cross subdivision regulations.

(2) *Applications.*

All applications for special use permit shall be reviewed by the zoning administrator and the technical review committee prior to board of adjustment review. The zoning administrator shall determine the number of copies to be submitted by the applicant to ensure that there are sufficient copies to send to the town council, the technical review committee, and all other appropriate agencies for review and comment. The applicant shall submit a completed application no later than fifteen working days prior to the town council meeting at which the application is to be heard. If the application is found to be incomplete or the development is found to be in conflict with the requirements of this section, the developer shall be notified and the application rejected.

(3) *Cooperation.*

The developer is strongly encouraged to work closely with staff and neighboring property owners before and during the application and review process to minimize delays and address concerns which may arise in the review process.

(E) *Board of adjustment action.*

(1) *Review.*

The board of adjustment shall review the application to determine compliance with this ordinance and all applicable regulations within the town's planning jurisdiction.

(2) *Required findings.*

No special use permit shall be approved by the board of adjustment unless the following general findings of fact are made concerning the proposed special use:

- a) The use will not materially endanger the public health or safety if located, designed, and proposed to be operated according to the plan submitted.
- b) The use complies with all regulations and standards of this ordinance.
- c) The use will not substantially injure the value of adjoining property or the use is a public necessity.
- d) The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located.

- e) Public water and sewer service are available in adequate capacity, if needed.
- f) That the proposed use will not be in conflict with but will further the objectives of the most detailed plan adopted for the area in which it is located.

(F) *Withdrawal or amendment of a special use permit application.*

An application for a special use permit may be withdrawn or amended as follows:

- (1) A petition filed according to this section may be withdrawn by the petitioner at any time up to the scheduling of the date of the public hearing on the petition.
- (2) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the zoning administrator. On the date scheduled for the hearing, the board of adjustment may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
- (3) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the zoning administrator no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, except that changes proposed by the petitioner, board of adjustment and other interested parties may be presented at the hearing and considered by the board of adjustment during their deliberations.
- (4) If the board of adjustment deems any amendment to be a substantial change to the petition, it shall defer action on the petition for thirty days to allow interested parties the opportunity to comment on the amendment to the petition.
- (5) If the board of adjustment deems any amendment to be an intensification of the petition, it shall call for a new public hearing.

(G) *Hearing.*

- (1) A special use permit hearing will be conducted as a quasi-judicial hearing before the board of adjustment.
- (2) The applicant has the burden of producing competent, material, and substantial evidence establishing that:
  - a) The proposed special use will comply with all of the lot, size, yard, and other standards of this ordinance except as may be amended through an approved variance or special exception permit.
  - b) The proposed special use will comply with all general and specific standards required by the appropriate section of this ordinance for the issuance of a special use permit for this use.

(H) *Decision.*

In considering an application for a special use permit, the board of adjustment may attach reasonable and appropriate conditions and safeguards to the location, nature, and extent of the proposed use and its relationship to surrounding property, for the purpose of insuring that the conditions of permit approval will be complied with and any potentially injurious effect of the special use on adjoining properties, the character of the neighborhood, or the health, safety, and general welfare of the community will be minimized. Such conditions may relate to parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, intensity of site development, the timing of development, and other matters the board of adjustment may find appropriate or the applicant may propose. The applicant will have a reasonable opportunity to consider and respond to any additional conditions or requirements prior to final action by the board of adjustment.

(I) *Effect of approval.*

An approved application for a special use permit and all conditions which may be attached to the approval are binding on the property. All subsequent development and use of the property shall be in conformance with the special use permit and all plans, specifications, and conditions unless such are amended or the permit terminated by the board of adjustment.

(J) *Subdivisions.*

Approval of applications involving major subdivisions of land, as defined in the Town of Red Cross subdivision regulations, shall be contingent upon preliminary plat approval by the planning board. Approval of the plat shall allow the applicant to proceed with the development as approved within the permit.

(K) *Effect of denial.*

(1) If an application for a special use permit is denied by the board of adjustment, a reapplication for that special use on that property shall not be made within one year of the date of denial.

(2) The board of adjustment may allow re-submission of the application within the one-year restricted period, however, if it determines that, since the date of action on the prior application, one of the following criteria has been met:

- a) The town council has adopted a new or amended plan for the area that changes public policy regarding how the subject property and/or the general area affected by the special use permit should be developed; or
- b) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the type and intensity of development which would be allowed under the proposed special use permit; or
- c) There has been a substantial change in conditions or circumstances, outside the control of the applicant, which justifies waiver of the one-year restriction on resubmission of a special use permit application for the property; this shall not include a change in the ownership of the subject



property nor a change in the scale or features of the development proposed in the prior application.

(L) *Amendment to an approved special use permit.*

- (1) Any major change to a development approved by special use permit shall require an amendment to the special use permit by the board of adjustment. Any proposed change in use, increase in density or intensity, decrease in open space and common recreational facilities, substantial change in the location of uses or streets from what is shown on the approved plans, any change in a condition imposed on the use by the board of adjustment, or any other change the zoning administrator determines is significant shall be deemed a major change requiring an amendment to the special use permit. Factors to be considered by the zoning administrator in determining if a change is substantial include, but are not limited to, the extent of the change, the expected impact on adjacent properties, and the impact on offsite streets and other public infrastructure. Otherwise, minor changes to a permit may be approved by the zoning administrator.
- (2) The owner of property which is subject to an approved special use permit may petition for an amendment of the special use permit and accompanying conditions by following the procedures applicable to initiation of new special use permits.
- (3) Evidence presented at the hearing on the proposed amendment will be limited to the effect of the proposal on the original special use permit, any plans or conditions which were a part of the original special use permit, and the present standards and requirements in this zoning ordinance.

(M) *Appeals.*

~~Any person who has standing under G.S. § 160D-1-2 or the town may appeal a decision to the Board of Zoning Adjustment. An appeal is taken by filing a notice of appeal with the Town Clerk. The notice of appeal shall state the grounds for the appeal. The owner or other party shall have 30 days from receipt of the written notice of the determination within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the determination within which to file an appeal. In the absence of evidence to the contrary, notice pursuant to G.S. 160D-4-3(b) given by first class mail shall be deemed received on the third business day following deposit of the notice for mailing with the United States Postal Service (G.S. 160D-405(d)). Any petition for review by superior court shall be filed with the clerk of superior court within thirty days after a written copy of the decision of the board of adjustment is filed in the office of the zoning administrator or is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later.~~

(N) *Recognition of previously approved conditional/special use permits.*

Conditional or special use permits which have been previously granted by the board of adjustment of the Town of Red Cross and conditional or special use permits previously granted by Stanly County will be recognized for building permit and other administrative purposes during the period of time the project was vested by the ordinance under which it was approved. After the vesting period, if construction of the

development has not begun or there is no valid building permit in effect for the property, the conditional or special use permit will be considered null and void.

(O) *Revocation of a special use permit.*

- (1) If at any time the zoning administrator determines that construction inconsistent with the approved special use permit is occurring within the development, he shall cause to be issued a stop work order on such construction, and he shall notify the responsible parties of the violation who will immediately cease and desist further work on the project. If the nonconforming construction is not brought into compliance with the permit or the applicant has not filed an appeal with the board of adjustment within thirty days, the zoning administrator may initiate a revocation of the special use permit. The zoning administrator may also act to suspend the issuance of any additional building permits within the development if he has reason to believe that such construction will not be in conformance with the approved permit or such construction will increase or reinforce the degree of nonconformance.
- (2) If the nonconformance involves a completed, unoccupied building, no certificate of occupancy shall be granted for such building until the violation is corrected. If the nonconformance involves initial construction or provision of any of the public facilities, open space, required landscaping, or similar common features of the approved permit, no building permits or certificates of occupancy will be issued within the development until the violation is corrected or a new special use permit has been granted by the board of adjustment.
- (3) Action to revoke a permit shall be taken by the board of adjustment after receiving a request from staff. Such a request shall be in writing and shall declare that the applicant and all property owners within the development, as recorded at the register of deeds office, have been notified at least ten days before the meeting of the pending action and the date, time, and place of the board of adjustment meeting at which the request will be made. Said applicant and property owners shall have the right to appear before the board of adjustment at said meeting and show cause why the board of adjustment should not revoke the permit. Notification shall be deemed given when written notice is sent by first class mail to the property owner at the address shown on the most recent property tax records and one or more signs are posted in prominent locations on the subject site reasonably calculated to give notice of the action.

(P) *Expiration of a special use permit.*

- (1) Approval of a special use permit shall confer upon the developer all vested rights as set forth in this ordinance.
- (2) In order for a special exception use permit to remain in effect for a particular development, a valid building permit must be issued for construction within the time period vested. If at any time after this date, construction has not been completed and no valid building permits are outstanding for construction within the development, the special use permit shall expire. No further construction may occur within the development until a new special use permit has been issued by the board of adjustment. Application for a new special use permit shall follow the procedures outlined in this section.

9-6. **Site Development Plan Requirements.**

(A) *Major site development plans shall include:*

(1) *Location map.*

May be drawn on the same sheet as the survey and features map at a scale of 1" = 2,000', indicating the location of the site, in three copies and showing:

- a) The site and ownership of adjacent lots or tracts of land;
- b) The intersection of at least two public streets nearest the property and the names of all public ways, opened or unopened, clearly indicated;
- c) North arrow;
- d) Title block shall contain the following information:
  - 1) Site plan name; and
  - 2) Name and address of owner and petitioner.

(2) *Survey map of site.*

May be combined with a features map, submit one copy indicating bearing and distances of the boundaries of the site prepared by a registered engineer or surveyor licensed to practice in North Carolina and contain his seal.

(3) *Existing features map.*

May be combined with the survey map, to show all existing features of the site plan plus all land within twenty-five feet of the site at the scale of not smaller than 1" = 100', unless approved by the zoning officer, showing:

- a) Rights-of-way and easements, utilities on, over and under the site (including storm drains, pipes and catch basins), if applicable;
- b) All existing structures including walls, fences, and other manmade features of the site;
- c) Topography shown at not greater than five foot contour intervals;
- d) Streams, floodway boundaries, delineation of the 100 year flood plain elevation, ponds, lakes, wooded areas and other natural features;
- e) Driveways, drives, walk-ways, and curb-cuts;
- f) Proposed roadway improvements, if any, serving the site shall be provided;
- g) Any other necessary information requested by the zoning officer for site plan review;
- h) Title block shall contain the following information:

- 1) Site plan name;
  - 2) Name and address of architect, land planner, landscape architect, engineer or surveyor who prepared the map;
  - 3) Date survey was made; and
  - 4) Scale, date and north arrow.
- (4) Development plan map of the site at a scale of no smaller than 1" = 100' (at the same scale as the existing features map) showing:
- a) Proposed finished grade at no greater than five contour intervals;
  - b) Natural features to be left undisturbed and/or landscaped areas or buffers to be created.
  - c) Proposed drainage;
  - d) Proposed location of utilities;
  - e) Proposed location of public streets and private drives, including rights-of-way and pavement widths, curb-cuts, pedestrian ways and other paths, proposed parking and loading areas;
  - f) Location of structures, fences, walls, signs, plantings, exterior lighting, and solid waste disposal facilities;
  - g) Number of proposed dwelling units by type, size and proposed ownership;
  - h) Total acreage, acreage of building coverage, acreage in common open space, acreage (square footage) in roads, and acreage suitable for active recreational use shall be shown, indicating proposed use thereof. Common open spaces as computed shall not include streets, drives, parking or loading areas;
  - i) Height of buildings;
  - j) Other information deemed necessary by the zoning administrator for site plan review; and
  - k) Title block containing:
    - 1) Site plan name;
    - 2) Name and address of architect, land planner, engineer, or surveyor;
    - 3) Scale, date and north arrow.
- (B) For property to be developed in sections or phased, detailed site plans containing the above information need not be submitted for the entire property. However, conceptual

or schematic plans shall be submitted in order to show the relationship of the section under review to the entire project.

9-7 (Reserved)

9-8 (Reserved)

**9-9 Amendments.**

Zoning regulations and restrictions, zoning district boundaries, may from time to time be amended, supplemented, changed, modified or repealed, in the following manner:

15.1.1 The Planning Board or the Town Board may, on their own motion, institute an application for a change in the text or a change in the zoning map, provided that the Planning Board be allowed at least 30 days for review of any proposed amendment. [G.S. 160A-387 D-604] In addition, any interested person may submit an application for a change in the text or map of this Land Development Ordinance. The Zoning Administrator shall be responsible for entering amendments to the Official Zoning Map. Entries shall be made within five (5) working days of the date of passage of amendments.

- (A) Each entry of amendments must be authenticated by the Zoning Administrator and shall maintain a record of the nature and date of each amendment entry.
- (B) Changes to the Official Zoning Map, other than those authorized by duly approved amendments to this Ordinance, shall not be made and be considered a violation of this Ordinance.
- (C) Amendments to the Zoning Ordinance which result in the change in classification of any piece of land shall become effective immediately upon the enactment of such amendment.
- (D) For amendments to the Official Zoning Map, notice shall be sent to not only immediate neighbors but to properties separated by street, railroad, or other transportation corridor. Notice will be posted between twenty-five (25) to ten (10) days prior to hearing in accordance with G.S. 160-601.
- (E) Conditional Zoning Districts- Where the regulations and restrictions applicable within a zoning district permitting a proposed use are inadequate to ensure the compatibility of a proposed development with the immediately surrounding neighborhood in accordance with the principles of this Ordinance and applicable adopted plans, the property owner may apply for rezoning to a conditional zoning-district bearing the same designation as a standard zoning district but subject to additional conditions e.g. CD-BG, CD-IG. All regulations which apply to a general use zoning district also apply to the companion conditional zoning district. All other regulations, which may be offered by the property owner and approved by the Governing Body as a part of the rezoning process shall also apply.

General Requirements: (1) The town council may, on its own motion, or upon recommendation from the planning board, or upon petition by any person within the zoning jurisdiction, after

~~(A) Authority and review.~~

~~(1) The town council may, on its own motion, or upon recommendation from the planning board, or upon petition by any person within the zoning jurisdiction, after~~

~~public notice and hearing, amend, supplement, change, modify or repeal the regulations, herein established or the maps which are a part of this ordinance, subject to the rules of this article.~~

~~(2) No regulation or maps shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which all parties in interest and citizens shall have an opportunity to be heard. A notice of such public hearing shall be given once a week for two successive weeks in a newspaper of general circulation in the town, said notice to be published the first time not less than ten days or more than twenty-five days to the date fixed for such public hearing.~~

~~(3) Every proposed amendment, supplement, change modification or repeal to this ordinance shall be referred to the planning board for its recommendation and report, provided that no proposal shall be considered by the planning board within ten working days from filing of the proposal with the zoning enforcement officer. This requirement may be waived by a unanimous vote of the planning board membership present at the meeting. Failure of the planning board to make its recommendation for a period of forty-five days after the amendment has been referred to it shall be forwarded to the town council without a recommendation. All petitions for a change in the zoning map shall include a location description of the property involved and the names and address of current abutting property owners; shall be accompanied by a fee as approved by the town council to cover cost of administration and advertising expenses required by this ordinance.~~

~~(B) *Statement of consistency required.*~~

~~Prior to adopting or rejecting any zoning amendment, the town council shall adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the council considers the action taken to be reasonable and in the public interest.~~

~~(C) *Initiation.*~~

~~Any amendment to the zoning text or map, except for the classification of property to a conditional district may be initiated by:~~

~~(1) The town council or the planning board.~~

~~(2) The property owner(s), upon filing an official petition including a complete application.~~

~~(3) A petitioner other than a board or property owner.~~

~~(D) *Application for a text amendment.*~~

~~A petition for amendment to the text of this ordinance shall consist of:~~

~~(1) A completed application form.~~

~~(2) A written justification for the requested amendment including consistency of the proposal with town planning policies.~~

- (3) All appropriate fees.
  - (4) Any other information deemed necessary by the zoning administrator or review board.
- (E) *Application for a map amendment.*
- (1) If the proposed amendment would require a change in the zoning map, an accurate diagram shall be submitted to the zoning administrator, showing the effect of the property proposed for rezoning showing:
    - a) All property lines with dimensions including north arrow;
    - b) Adjoining streets with rights-of-way and paving widths;
    - c) The location of all structures, the use of all land;
    - d) Zoning classification of all abutting zoning districts; and
    - e) A statement regarding the changing conditions, if any, in the area or in the town generally, that makes the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
  - (2) At least seven days prior to the time that any petition to change the zoning map is considered by the planning board, the property sought to be rezoned shall be posted with a sign giving notice that said petition is pending; provided, however, that this provision is an accommodation to the public and failure to post shall not invalidate any action with regard to the petition. In the event said petition involves several properties, or property not adjoining a state maintained road, the zoning enforcement officer shall post signs where, in his opinion, notice would best be given to the public.
  - (3) Protest petitions may be allowed as prescribed in GS 160D-~~303~~, et. seq.
  - (4) A petition for amendment to the zoning map shall consist of:
    - a) A completed application form.
    - b) A list of adjoining properties including tax parcel numbers and the name and address of each owner. For the purposes of this section, adjoining property owners shall include owners of properties lying within 100 feet of the subject property if located across a public or private street.
    - c) A map of the parcel and its relationship to the general area in which it is located.
    - d) All appropriate fees.
    - e) A statement prepared by the applicant analyzing the reasonableness of the proposed rezoning.

- f) Any other information deemed necessary by the zoning administrator or review board.
- g) Every proposed amendment, supplement, change, modification or repeal to this chapter shall be referred to the planning and zoning commission for its recommendation and report (G.S. 160D-604(c), (e)). The owner of affected parcels of land, and the owners of all parcels of land abutting that parcel of land, shall be mailed a notice of the hearing on a proposed zoning map amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor. Additionally, the town shall prominently post a notice of the public hearing on the site proposed for rezoning the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within twenty-five days prior to the hearing until 10 days prior to the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the town shall post sufficient notices to provide reasonable notice to interested persons (G.S. 160D-602).
- h) Plan consistency. When adopting or rejecting any zoning text or map amendment, the Town Council shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the Town Council, that at the time of action on the amendment, the Town Council was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive plan. If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan and no additional request or application for a plan amendment shall be required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-6-2(b), the Town Council statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(F) *Conditional district rezonings.*

(1) *Initiation.*

The reclassification of property to a conditional district rezoning may be initiated only by the property owner(s), or an agent authorized by affidavit to act on the owner's behalf.

(2) *Petition.*

A request for rezoning to a conditional district rezoning shall include an official petition consisting of the following:

- a) A completed application form.



- b) A list of adjoining properties including tax parcel numbers and the name and address of each owner. For the purposes of this section, adjoining property owners shall include owners of properties lying within one hundred feet of the subject property if located across a public or private street.
- c) A map of the parcel and its relationship to the general area in which it is located.
- d) All appropriate fees.
- e) A Level 2 site plan.
- f) A written description or notation on the map explaining the proposed use(s) of all land and structures, including the number of residential units or the total square footage of any nonresidential development.
- g) Any other information deemed necessary by the zoning administrator or review board.

(3) *Conditions.*

Prior to the action on the proposed amendment (which may also include a period after the public hearing) any planning board or town council member (or any group of members not comprising a majority of such board) may meet with the petitioner to discuss the proposed plan and suggest features to be included in the rezoning proposal. The specifics of the plan may be negotiated to address community issues or concerns and to ensure that the spirit and intent of this ordinance are preserved. During the public hearing, the town council may suggest additional features to be included or reflected in the proposal prior to taking action on the request. Specific conditions applicable to the district may be proposed by the petitioner or the town, but only those conditions mutually approved by the town and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to town ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

(4) *When development has not begun within three years.*

The property owner shall commence construction in accordance with the approved development plan within three years after the rezoning. If the planning board determines that construction has not commenced in accordance with the plan within such a time period, it may, at its discretion, recommend to the town council that the town rezone the property to an appropriate general-use zoning district.

(G) *Copies.*

The zoning administrator shall determine the number of copies of each petition and other required documentation to be submitted by the petitioner so that copies may be circulated to all appropriate staff, agencies, and boards for review and comment.

(H) *Withdrawal or amendment of petition.*

- (1) A petition filed according to this section may be withdrawn by the petitioner at any time up to the scheduling, by the town council, of the date of the public hearing on the petition.
- (2) If the petitioner wishes to withdraw the petition after the scheduling of the public hearing, the petitioner may file a request to withdraw with the town clerk. On the date scheduled for the hearing, the town council may approve the request for withdrawal if it finds that there are substantial circumstances favoring the withdrawal and that the withdrawal will not be detrimental to the interests of citizens affected by the petition.
- (3) Once the petition has been filed, the petitioner shall not be allowed to amend it except by request to the zoning administrator no later than three weeks prior to the scheduled public hearing date. No changes to the petition shall be accepted in the intervening weeks prior to the public hearing. No changes to the petition shall be made at the hearing, although potential changes proposed by the petitioner, planning board, town council, and other interested parties may be presented at the hearing and considered by the planning board and town council during their deliberations.
- (4) If the town council deems any amendment to be a substantial change to the petition, it shall defer action on the petition for thirty days to allow interested parties the opportunity to comment on the amendment to the petition.
- (5) If the town council deems any amendment to be an intensification of the petition, it shall call a new public hearing.

~~Protections~~ (Reserved)

~~Protections may be allowed as prescribed in GS 160D-283, et. seq.~~

(J) *Hearing.*

- (1) The town council may refuse to call for a public hearing on any petition for amendment to the zoning text or zoning map if, in the town council's opinion, such petition lacks merit.
- (2) Notice of public hearings required under these regulations shall be in accordance with the North Carolina General Statutes.
- (3) Notice of any request for a change in the zoning map shall state that the planning board and town council may consider the application of any of the zoning districts to the property, not just the classification requested.
- (4) *Conduct of public hearing.*
  - a) No amendment shall be adopted until after the town council has held a public hearing on the proposed amendment.

- b) The hearing shall be conducted in accordance with rules and procedures established by the mayor and town council.
- c) When presenting a petition for the reclassification of property to a general-use district, as opposed to a conditional zoning district, the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development site design, except for those which would apply to any use or development site design permitted in the requested district.

(K) *Recommendation and decision.*

- (1) No proposed amendment shall be approved unless it is first submitted to the planning board for a recommendation. If the planning board does not make a recommendation to approve, approve with conditions, deny, or defer a decision on the proposed amendment within thirty-one calendar days after the petition has been referred to it, then the planning board shall be considered to have recommended deferral for additional deliberation. The petition, along with the recommendation of the planning board, shall be placed on the agenda of the town council at its next regular zoning meeting.
- (2) The town council, after receiving the recommendation of the planning board, shall within a reasonable time either reject the proposed amendment or approve the proposed amendment, with or without modifications. ~~(G.S. 16D-83-1)~~
- (3) In considering any petition to reclassify property the planning board in its recommendation and the town council in its decision shall consider all of the following:
  - a) Whether the proposed reclassification is consistent with the purposes, goals, objectives, and policies of adopted plans for the area.
  - b) Whether the proposed reclassification is consistent with the overall character of existing development in the immediate vicinity of the subject property.
  - c) The adequacy of public facilities and services intended to serve the subject property, including but not limited to roadways, parks and recreational facilities, police and fire protection, hospitals and medical services, schools, stormwater drainage systems, water supplies, and wastewater and refuse disposal.
  - d) Whether the proposed reclassification will adversely affect a known archaeological, environmental, historical, or cultural resource.
- (4) When considering a petition to reclassify property to a general-use district, the planning board and the town council shall not evaluate the petition based on any specific proposal for the use of the property or design of the site.
- (5) In approving an amendment to reclassify property to a general-use district or, with the consent of the petitioner, to a conditional district, the town council may change the existing classification of the property, or any part of the property covered by the petition, to the classification requested or to any other classification or classifications permitted by this ordinance.

- (6) The town council may modify any proposed text amendment upon adoption of an ordinance enacting the amendment, without the withdrawal or modification of the petition or further public hearings, when, in the opinion of the town council, such a change would not require a separate public hearing.

(L) *Effect of the denial of a petition.*

- (1) A petition for the reclassification of property that has been denied in whole or in part shall not be re-submitted within one year of the date of the town council's action on the original petition.
- (2) The town council may, however, allow re-submission of a petition within the one-year restricted period if it determines that, since the date of action on the prior petition, one of the following criteria has been met:
  - a) There has been a similar change in the zoning district classification of an adjacent property.
  - b) The town council has adopted a new or amended plan for the area that changes public policy regarding how the property affected by the amendment should be developed.
  - c) Construction or expansion of a road, water line, sewer line, or other infrastructure has occurred or is to occur in such a time frame as to serve the property and comfortably accommodate the intensity of development allowed under the proposed classification.
  - d) There has been a substantial change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition. This shall not include a change in the ownership of the subject property nor, in the case of a petition for reclassification to a conditional or overlay district, a change in the scale or features of the development proposed in the prior petition.

**9-10. Enforcement.**

(A) *Remedies.*

- (1) *Enforcement by zoning enforcement officer.*
  - a) It shall be the duty of the zoning enforcement officer to initiate proceedings for the enforcement of these regulations.
  - b) If the zoning enforcement officer discovers a violation of these regulations, the zoning enforcement officer shall notify the violator, and give the violator a specified time to correct the violation. If the violation continues or is not corrected, the zoning enforcement officer shall initiate proceedings for enforcement as described in this section. The violator can be one or more of the following: Property Owner, Property Lessee, Renter, Squatter, Occupant or tenant. A notice of the violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal

delivery, electronic delivery, or first class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided and the certificate shall be deemed conclusive in the absence of fraud (160D-404(a)).

(2) *General enforcement provisions.*

The provisions of this section may be enforced by any one, all, or a combination of the remedies authorized and prescribed by this section. If a person continues to fail to comply with a particular provision of these regulations after the imposition of any one type of penalty, the person shall continue to remain subject to the remedies prescribed by this section for the continued violation of the particular provision of these regulations, the zoning enforcement officer, or any persons who would be damaged by such violation may institute an a citation to secure injunctions and abatement orders to further ensure compliance with the zoning ordinance, or take any other appropriate action to prevent such violation in accordance with N.C. General Statute provisions. Each day's continuing violation shall be a separate and distinct offense and may be subject to any one, all, or a combination of the remedies authorized and prescribed by this section. In addition to the other remedies cited in this article for the enforcement of its provisions, and pursuant to N.C. General Statute 160D-404 and Statute 160D-1129(k), the regulations and standards of this article may be enforced through the issuance of civil penalties by the Administrator or Town Board.

If a violation is repeated within a two-year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies as set forth in this section. A repeat violation is one which is identical to or reasonably similar to a previous violation for which the town has issued a notice of violation or civil citation.

(3) *Criminal penalties.*

Violation of this ordinance shall not subject the offender to criminal penalties.

(4) *Citations.*

a) The zoning enforcement officer is empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to include the owner of the premises, the agent of the owner authorized to be responsible for the premises or the occupant of the premises. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the premises each has a duty to maintain the premises in compliance with these regulations. A citation shall not be issued to a non-occupant owner, agent or occupant for those premises unless there has been written notification to the owner, agent, or occupant, or mailed to the last known mailing address as shown by public records, or by making other reasonable efforts to communicate the existence to the violation to the owner, agent or occupant.

- b) The initial citation for each violation shall be \$50. The issuance of a second citation for any violation that has not been corrected shall be in the amount of \$200 upon the date of issuance, \$500 for the third citation and \$500 thereafter. Any unpaid citations and delinquency charges shall be cumulative, and shall subject the violator to a possible civil penalty to be recovered in a civil action in the nature of debt. The citations may be delivered in person to the violator(s) or, the citation may be mailed, certified return receipt requested.
- c) The citations shall direct the violator to make payment at the town finance officer within fifteen days of the date of the citation or alternatively pay the citation by mail. If the violator does not make such payment or does not mail the citation and payment within fifteen days from the date of issuance, a delinquency charge of \$10 shall be added to the amount shown on the citation or criminal summons may be filed if the citation and delinquency charge is not paid within fifteen days from the date of the delinquency. Further, the citation shall state that the violation is a continuing violation, and additional citations may be issued.

(B) *Civil judicial remedies.*

- (1) If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of these regulations, the town, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violations, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. The General Court of Justice shall have jurisdiction to issue such orders as may be appropriate.
- (2) If the zoning ordinance makes unlawful a condition existing upon or use made of real property, then the zoning ordinance may be enforced by injunction and order of abatement and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such an ordinance occurs, the town may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commending the defendant to correct the unlawful condition upon or cease the unlawful use of the property.
- (3) In addition to an injunction, the court may enter an order of abatement as a part of the judgement in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished, or removed, or that any other action be taken that is necessary to bring the property into compliance with the ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the town may execute the order of abatement. The town shall have a lien on the property for the cost of executing an order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all cost of the proceedings, and posing a bond for compliance with the order. The bond shall be given with sureties approved by the clerk of superior court in an amount approved by the judge before whom the matter is heard, and shall be conditioned on the defendant's full compliance with the terms of the order of abatement within a time

fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

(C) *Remedies: "Stop Orders"*.

- (1) Whenever any building or structure is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in a manner that endangers life or property or in substantial violation of this ordinance, the zoning enforcement officer may order the specific part of the work that is in violation or presents such a hazard to be immediately stopped. This stop order shall be in writing, directed to the person doing the work, and shall state the specific work conditions under which the work may be resumed. The owner or builder may appeal from a stop order to the mayor within a period of five days after the order is issued.
- (2) Notice of appeal shall be given in writing to the mayor, with a copy to the zoning enforcement officer. The mayor shall promptly conduct a hearing at which the appellant and the zoning enforcement officer shall be permitted to submit relevant evidence, and shall rule on the appeal as expeditiously as possible. Pending the ruling by the mayor on an appeal no further work shall take place in violation of a stop order. Violation of a stop work order shall constitute a misdemeanor.

**9-11. Moratoria**

- (A) The Town may adopt temporary moratoria on any development approval required by law. The duration of any moratorium shall be reasonable in light of the specific conditions that warrant imposition of the moratorium and may not exceed the period of time necessary to correct, modify, or resolve such conditions. Except in cases of imminent and substantial threat to public health or safety, before adopting an ordinance imposing a development moratorium with a duration of 60 days or any shorter period, the Board of Commissioners shall hold a public hearing and shall publish a notice of the hearing in a newspaper having general circulation in the area not less than seven days before the date set for the hearing. A development moratorium with a duration of 61 days or longer, and any extension of a moratorium so that the total duration is 61 days or longer, is subject to the notice and hearing requirements of G.S. 160D-601. Absent an imminent threat to public health or safety, a development moratorium adopted pursuant to this section shall not apply to any project for which a valid building permit issued pursuant to G.S. 160D-1108 is outstanding, to any project for which a special use permit application has been accepted, to development set forth in a site-specific or phased development plan approved pursuant to G.S. 160D-108.1, to development for which substantial expenditures have already been made in good faith reliance on a prior valid administrative or quasi-judicial permit or approval, or to preliminary or final subdivision plats that have been accepted for review by the Town prior to the call for public hearing to adopt the moratorium. Any preliminary subdivision plat accepted for review by the Town prior to the call for public hearing, if subsequently approved, shall be allowed to proceed to final plat approval without being subject to the moratorium.

Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

- (1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the Town

and why those alternative courses of action were not deemed adequate.

- (2) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- (3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the Town during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.

No moratorium may be subsequently renewed or extended for any additional period unless the Town shall have taken all reasonable and feasible steps proposed to be taken by the Town in its ordinance establishing the moratorium to address the problems or conditions leading to imposition of the moratorium and unless new facts and conditions warrant an extension. Any ordinance renewing or extending a development moratorium must expressly include, at the time of adoption, the findings set forth in subdivisions (1) through (4) of this subsection, including what new facts or conditions warrant the extension.

Any person aggrieved by the imposition of a moratorium on development approvals required by law may apply to the appropriate division of the General Court of Justice for an order enjoining the enforcement of the moratorium, and the court shall have jurisdiction to issue that order. Actions brought pursuant to this section shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts. In any such action, the Town shall have the burden of showing compliance with the procedural requirements of this subsection. [G.S. 160D-107 (D)]



## **ARTICLE X DEFINITIONS OF TERMS USED IN THIS ORDINANCE.**

### **10-1. Interpretation of Certain Terms and Words.**

For the purpose of this ordinance, certain words or terms used are herein defined. Except as defined herein, all other words used in this ordinance shall have their customary dictionary definition.

- (A) Interpretations shall be guided by statements of intent.
- (B) Words used in the present tense include the future tense and words used in the future tense include the present tense.
- (C) Words used in the singular number include the plural and words used in the plural number include the singular.
- (D) The word "person" includes a firm, association, organization, partnership, corporation, trust and company, as well as an individual.
- (E) The word "lot" includes the word "plot" or "parcel" or "tract."
- (F) The word "building" includes the word "structure" and the word "structure" includes the word "building."
- (G) The word "shall" is always mandatory and not merely directory. The words "shall", "must", and "will" are mandatory, implying an obligation or duty to comply with the particular provision.
- (H) The words "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.
- (I) The word "map", "zoning map", or "Town of Red Cross Zoning Map" shall mean the "Official Zoning Map of the Town of Red Cross, North Carolina."
- (J) The word "town council" shall mean the governing board of the Town of Red Cross as stated in North Carolina General Statutes GS 160D-1(2).
- (K) The term "this ordinance" shall refer to the Town of Red Cross zoning ordinance.
- (L) The word "may" is permissive, except when the context of the particular use is negative, then it is mandatory (e.g., "may not").
- (M) The word "should," whether used in the positive or the negative, is a suggested guideline.
- (N) References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.
- (O) For purposes of interpreting this ordinance, certain words, concepts, and ideas are defined in section 10-2. Except as defined herein, all other words used in this ordinance,

excluding architectural words and terms, shall have their everyday dictionary definition. Architectural words and terms shall be interpreted as defined in A Visual Dictionary of Architecture, Francis D.K. Ching, John Wiley and Sons, New York, 1995 a copy of which is available for review at town hall.

- (P) Words used in the masculine gender include the feminine gender.
- (Q) The word "street" includes the words road, avenue, place, way, drive, lane, boulevard, highway, and any other facility principally designed for motor vehicle traffic, except an alley or an easement solely for utilities or pedestrians.
- (R) The term "planning board" shall mean the planning board of the Town of Red Cross, North Carolina.
- (S) The term "zoning administrator" shall mean the zoning administrator of the Town of Red Cross, North Carolina.
- (T) The term "subdivision administrator" shall mean the subdivision administrator of the Town of Red Cross, North Carolina.
- (U) The term "manager" or "town manager" shall mean the town manager of the Town of Red Cross, North Carolina.
- (V) The term "board of adjustment" shall mean the board of adjustment of the Town of Red Cross, North Carolina."
- (W) The term "state" shall mean the State of North Carolina.
- (X) Any reference to a section shall mean a section of the Town of Red Cross zoning ordinance, unless otherwise specified.

#### 10-2. **Definitions.**

For the purpose of interpreting this ordinance, certain words and terms used in this ordinance are defined as follows. Except as defined herein, all other words used in this ordinance shall have their usual, customary dictionary meaning.

**ABANDONED.** A use shall be deemed to be abandoned when: a) the use is physically and objectively discontinued [other than in association with the settlement of an estate or for any use which is seasonal in nature]; or b) the premises are devoted to another use; or c) the characteristic equipment and furnishings of a nonconforming nonresidential use have been physically removed from the premises and have not been replaced by the same or similar equipment within thirty days. All of the above events are considered abandonment, regardless of the intent of the owner, lessee or occupant and regardless of any circumstances beyond the control of such parties that prevent continuation of the use.

**ABATTOIRS.** A facility used for slaughtering and processing of animals, and the refining of their byproducts.

**ABUTTING PROPERTIES.** Having common property boundaries or lot lines which are not separated by a street, alley, or other vehicular right-of-way such as a railroad.

**ACCESSORY BUILDING OR USE.** A building or use customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use.

**ACCESSORY COMMUNICATION ANTENNAE.** An antennae configuration that is attached to a building water tower, or other existing structure where the communication facility is customarily incidental to the main or principal building or structure.

**ACCESSORY DWELLING UNIT.** See "Dwelling Unit, Accessory, Attached" and "Dwelling Unit, Accessory, Detached."

**ACCESSORY STRUCTURE OR USE.** A use or structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure. Accessory structure shall include freestanding satellite dishes, any other devices that access satellites, and amateur radio antennae.

**ACTIVE SOLAR ENERGY GENERATION SYSTEM** – a SEPG that transforms solar energy into another form of energy or transfers heat from a collector to another medium using mechanical, electrical, or chemical means.

**ADAPTIVE REUSE.** The rehabilitation, reconstruction or renovation of existing buildings or structures for any use other than its current use.

**ADJACENT PROPERTY.** This term shall mean anything that is contiguous or abutting with the assumption that railroads, roads, and other rights-of-way do not exist.

**ADMINISTRATIVE DECISION.** Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this Chapter or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

**ADMINISTRATIVE HEARING.** - A PROCEEDING TO GATHER FACTS NEEDED TO MAKE AN ADMINISTRATIVE DECISION.

**ADULT ESTABLISHMENT.** Any principal or accessory structure or use of land which meets the definition of adult establishment as set forth in G.S. 14-202.10 et. seq., but excluding massage therapy.

**AGRICULTURAL INDUSTRY.** Commercial poultry or swine production, cattle or swine feed lots, fur bearing animal farms, commercial plant production (not retail nurseries) on more than two acres, commercial fish or poultry hatcheries, and other similar activities.

**AIRPORT.** Landing fields, parking and service facilities, passenger and baggage terminals, and related facilities for the operation, service, fueling, repair, storage, charter, sales, and rental of aircraft. The word aircraft shall include fixed-wing as well as rotary-wing craft.

**ALLEY.** A public thoroughfare which affords only a secondary means of access to abutting property. A service way providing a secondary means of public access to abutting property.

**ALTERATION.** A change in the size, configuration, or location of a structure; or a change in the use of a structure or lot from a previously approved or legally existing use.

**AMENDMENT.** Any change by the town council to the text of these regulations or the official zoning maps.

**AMORTIZATION.** A provision requiring a non-conformance to either become conforming or be removed within a set period of time, otherwise known as the amortization period.

**AMUSEMENT, COMMERCIAL INDOOR.** Any business establishment which is primarily engaged in providing an amusement activity such as a video arcade, billiard parlor, skating rink or similar activity as a principal use to the general public, but does not include indoor motion picture theaters.

**AMUSEMENT, COMMERCIAL OUTDOOR.** Any business establishment which is primarily engaged in providing an amusement activity such as a miniature golf course, skateboard course, water slide, mechanical ride, Par 3 golf course, golf driving range, or go-cart course, fish ranch, or similar activity to the general public, but does not include outdoor motion picture theaters, raceways, drag strips, or motorcycle courses.

**ANTENNA.** A device used to receive or transmit electromagnetic waves, including but not limited to directional antennae, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

**APPLICANT.** Any person seeking approval under these regulations for any form of development or use of land.

**ARCHITECT.** A person licensed to practice architecture in the State of North Carolina.

**ARCADES.** A series of porches supported on piers or columns.

**ARENA.** A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip.

**ARTIFICIAL OBSTRUCTION.** Any object or material which is not a natural obstruction, including any which, while not a significant obstruction in itself, is capable of accumulating debris and thereby reducing the flood-carrying capacity of a stream.

**ARTS AND CRAFTS STUDIO.** The creation of objects in a studio, made one at a time, by hand. Such creation includes, but is not limited to, woodworking, tinsmithing, silversmithing, pottery throwing, glass blowing, painting, weaving, caning, metal working, and sculpting.

**ASPHALT AND CONCRETE PLANT AND CONTRACTORS.** A facility preparing asphalt and/or concrete mixtures for street and driveway paving, including contractors engaged in asphalt and/or cement work. This definition includes only those uses in the following NAICS group(s):

23811	Poured Concrete Foundation and Structure Contractors
324121	Asphalt Paving Mixture and Block Manufacturing

**AUTOMATIC TELLER MACHINE (ATM).** A type of banking and financial services with automated or self-service banking features with no staff or personnel provided.

**AUTOMOTIVE REPAIR.** See "Motor Vehicle Repair and Maintenance."

**AWNING.** A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building, but not to include a canopy.

**AUTOMOBILE JUNK YARD.** Open storage of more than five dismantled, wrecked, inoperable or unlicensed motor vehicles on any single parcel of property shall constitute an automobile junk yard; however, open storage of no more than one such vehicle shall be allowed on any residentially zoned parcel of property, including the R-A district.

**BANKING AND FINANCIAL SERVICES.** A facility engaged in deposit banking or extending credit in the form of loans. This definition includes only those uses in the following NAICS group(s):

5221            Depository Credit Intermediation  
5222            Nondepository Credit Intermediation

**BANNER.** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, educational, or corporate organizations.

**BANQUET AND EVENTS FACILITIES.** A facility for lease for private parties. Such facilities may or may not provide catering, photography, or similar services associated with private parties, weddings, birthdays and similar occasions.

**BED AND BREAKFAST INN:**

An owner-occupied residential building providing rooms for temporary overnight lodging, breakfast for overnight guests, and possibly dinner for the public.

A use that:

- (A) Takes place within a building that prior to such establishment was designed and used as a single-family residence; and
- (B) That consist of renting one or more dwelling rooms on a daily basis to tourist, vacationers, and similar transients; and
- (C) Where the provision of meals, if provisions of meal is made, is limited to the breakfast meal, available only to guest; and
- (D) Where the bed and breakfast operation is conducted primarily by persons who reside in the dwelling unit, with the assistance of not more than the equivalent of one full time employee.

**BELVEDERE.** A building or architectural feature of a building, designed and situated to look out upon a pleasing scene.

**BERM.** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**BEST MANAGEMENT PRACTICES, NON-STRUCTURAL.** Non-structural BMPs are non-engineered methods used to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.

**BEST MANAGEMENT PRACTICES, STRUCTURAL.** Structural BMPs are engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply.

**BOARDING HOUSE.** A building where, for compensation, lodging and/or meals are provided for not more than fourteen persons.

**BOARDING OR ROOMING HOUSE.** An owner-occupied dwelling, or part thereof, in which lodging is provided to more than three but not more than eight paying guests on a weekly or longer basis and where the rooms rented neither individually nor collectively constitute separate dwelling units.

**BONA FIDE FARM.** Crop lands, timber lands, pasture lands, or other farm lands, any other farm buildings or housing to be occupied by the farm owner, relatives or other employees of the farm (more than fifty percent of adult occupants or household income shall be from the farm), except that any such use of such property for non-farm purposes shall be subject to such regulations.

For the purposes of this definition, a bona fide farm shall be defined as any parcel-lot of record having ten or more acres being in active agricultural use as defined by N.C. General Statutes Section 105-277.1 et. seq., or as determined by any other available method upon approval of the zoning enforcement officer.

**BROADCAST STUDIO.** An establishment primarily engaged in providing two-way radio/telephone communication services, telephone voice and data communications, telegraph services, radio and television broadcasting, or cable and other pay television services, but excluding those uses classified as utilities. This definition includes only those uses in the following NAICS group(s) 5151 Radio & Television Broadcasting

**BROADCAST TOWER.** An above-grade tower or similar structure more than thirty-five feet in height, intended for communications equipment principally intended for the transmittal or reception of commercial, governmental, educational, and public television and radio signals. Towers or similar structures installed on or attached to tops of buildings, water tanks, or similar facilities shall be included in this definition. This definition includes accessory buildings and related equipment required for broadcast towers.

**BUFFER.** (See also "Screening.") A strip of land with natural or planted vegetation, located between a structure or use and a side or rear property line, intended to spatially separate and visually obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

**BUILDING-INTEGRATED SOLAR SYSTEM** - An active solar system that is an integral part of a principal or accessory building rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building integrated systems including but are not limited to photovoltaic or hot water solar systems that are contained within roofing materials, windows, skylights, and awnings.

**BUILD-TO LINE.** A line extending through a lot which is generally parallel to the front property line and marks the location from which the principal vertical plane of the front building elevation must be erected; intended to create an even building façade line on a street. The build-to line is established on the record plat (final plat).

**BUILDING.** A temporary or permanent structure having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or goods.

**BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the lot on which said building is situated.

**BUILDING AREA.** The area of a zoning lot remaining after the minimum setback requirements of this ordinance have been satisfied.

**BUILDING CONTRACTORS, GENERAL.** An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which typically does not involve outdoor storage of machinery or equipment. This definition includes only those uses in the following NAICS group(s)

- 238140 Masonry Contractors
- 238150 Glass and Glazing Contractors
- 238160 Roofing Contractors
- 238170 Siding Contractors
- 238210 Electrical Contractors
- 238220 Plumbing, Heating, Air-Conditioning Contractors
- 238290 Building Equipment and Other Machinery Installation Contractors
- 238310 Drywall and Insulation Contractors
- 238320 Painting and Wall Covering Contractors
- 238330 Floor Contractors
- 238340 Tile and Terrazzo Contractors
- 238350 Finish Carpentry Contractors
- 238990 All Other Special Trade Contractors

**BUILDING CONTRACTORS, HEAVY.** An establishment providing general contracting and/or building construction services other than for buildings, such as highways and streets, bridges, sewers, and flood control projects, and which may involve outdoor storage of machinery or equipment. This definition includes only those uses in the following NAICS group(s):

- 237110 Water and Sewer Line and Related Structures Construction
- 237120 Oil and Gas Pipeline and Related Structures Construction
- 237310 Highway, Street and Bridge Construction
- 237990 Other Heavy and Civil Engineering Construction
- 238120 Structural Steel and Precast Concrete Contractors
- 238910 Site Preparation Contractors

**BUILDING FOOTPRINT.** The outline of the total area covered by a building's exterior walls at the ground level.

**BUILDING HEIGHT.** The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING LINES.** Lines that are tangent to the exterior surface of buildings or structures, or the surfaces of cantilevered projections therefrom, parallel to front, side, and rear lot lines, and referred to as front, side, and rear building lines, respectively.

**BUILDING LINE SETBACK.** A line establishing the minimum allowable distance between the main wall of the building and the street or highway right-of-way line when measured

perpendicularly thereto. Covered garages, storage areas, or porches whether enclosed or not shall be considered as part of the main building and shall not project into the required yard.

**BUILDING MATERIALS SUPPLY.** An establishment engaged in selling lumber and a general line of building materials and hardware to the public. This definition includes only those uses in the following NAICS group(s)

4441 Building Materials and Supplies Dealer

**BUILDING PRESENTATION.** The direction of the architectural front façade of a building in relation to the street or public space.

**BUILDING, PRINCIPAL.** The building in which the principal use of the zoning lot is conducted.

**BUILDING SITE.** (See also "Development.") An area of land or property where development is undertaken. A building site may consist of one or more legal parcels of land and shall be defined to include any and all such parcels developed with uses operating under a coordinated management or use strategy regardless of when such parcels were developed.

**BUILDING WALL.** The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for only the first three stories, or forty-five feet in height of a building, whichever is less.

**BUILT-UPON AREA.** Built-upon area shall include that portion of a development project and/or lots that are covered by impervious or partially impervious cover including buildings, pavement, gravel areas (e.g., roads, parking lots, paths), recreation facilities (e.g., tennis courts), etc. (NOTE: Wooden slatted decks and the water area of a swimming pool are considered pervious).

**BUFFER STRIP.** A buffer strip shall consist of an approved (by zoning enforcement officer) wall, fence or planted strip at least ten feet in width, composed of deciduous or evergreen trees or a mixture of each, spaced not more than twenty feet apart, and not less than one row of dense shrubs, spaced not more than five feet apart and five feet or more in height after one growing season, which shall be planted and maintained in a healthy, growing condition by the property owner.

**BULK STORAGE OF PETROLEUM PRODUCTS (TANK FARMS).** The storage on a zoning lot of two thousand five hundred gallons water capacity or more of flammable liquid, or two thousand gallons water capacity or more of flammable gas, excluding "storage tanks, above ground" and "fuel dealers" as defined herein. This definition includes all uses listed in the following NAICS group(s):

4247 Petroleum and Petroleum Products Merchant Wholesalers

**BUSINESS IDENTIFICATION SIGN.** A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to the type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

**CALIPER.** The diameter measurement of a tree-trunk.



**CAMPGROUND.** Any site or tract of land upon which two or more campsites are occupied or intended for occupancy by tents or travel trailers. See "Recreational Vehicle Park and Campground."

**CAMP SITE.** A plot of land within a campground for the placement of a single tent or travel trailer and the exclusive use of its occupants.

**CANDELA.** Unit of luminous intensity; one lumen per steradian.

**CANOPY.** A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure. A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building.

**CANOPY TREE.** A species of tree which normally grows to a mature height of thirty-five feet or more with a minimum mature crown width of thirty feet and meets the specifications of the *American Standards for Nursery Stock* published by the American Nurserymen Association.

**CARPORT.** A roofed structure enclosed on not more than two sides and used for the parking of motor vehicles.

**CAR WASH, AUTOMATIC.** An unattended, automated, mechanical facility for the washing of automobiles, small recreational vehicles, and light trucks wherein the customer remains in the vehicle during the service.

**CAR WASH, FULL SERVICE.** An attended facility wherein the customer pays for the labor, materials, and equipment necessary to wash or otherwise clean an automobile, small recreational vehicle, or light truck. This type of car wash may or may not be partially automated. Typically, the customer does not remain in the vehicle during the service.

**CAR WASH, INDUSTRIAL.** Mechanical facilities for the washing, vacuuming, and waxing of large automobiles and heavy machinery.

**CAR WASH, SELF SERVICE.** A car wash wherein the customer provides labor and where no self-propelled wash racks are provided.

**CEMETERY.** Land and facilities, including offices and chapels, used for the burial of the dead.

**CEMETERY, LICENSED.** Land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under state law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the state.

**CERTIFICATE OF COMPLIANCE.** A certificate issued by the zoning administrator setting forth that a lot, building, structure, or use complies with the zoning ordinance and that the same may be used for the purposes stated therein.

**CERTIFICATE OF OCCUPANCY.** A certificate issued by the building inspector setting forth that a building, structure, or use complies with all North Carolina State Building Codes in effect within the town's jurisdiction.

**CHANGEABLE COPY.** The display area of a sign where characters, letters, or illuminations can be changed or rearranged without altering the face or surface of the sign.

**CHANGE OF USE.** A change in the use of a structure or land for which a certificate of compliance is required.

**CHILD CARE INSTITUTION.** A facility providing residential and nonresidential care for thirteen or more children under the age of twenty-one, who are handicapped or who are without the benefit of parents who can provide for those children's basic physical, emotional, educational, spiritual, and/or other special needs.

**CHURCH OR RELIGIOUS INSTITUTION.** A facility of a church, temple, synagogue, or other non-profit religious organization operated for worship and which may include religious training or study.

**CHURCH OR RELIGIOUS INSTITUTION-COMMUNITY SCALE.** A church or religious institution in which the seating capacity in the sanctuary or main activity area is greater than 600 persons.

**CHURCH OR RELIGIOUS INSTITUTION-NEIGHBORHOOD SCALE.** A church or religious institution in which the seating capacity in the sanctuary or main activity area is 600 persons or less.

**CLASS 1 LIGHTING.** All outdoor lighting used for, but not limited to, outdoor sales or eating areas, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity. Designation of lighting as Class 1 requires a finding that the essential nature of color rendition is required for the proposed application. Recognized Class 1 uses are: outdoor eating and retail food or beverage service areas; outdoor maintenance areas; display lots; and assembly areas such as concert or theater amphitheaters.

**CLASS 2 LIGHTING.** All outdoor lighting used for, but not limited to, illumination for walkways, roadways, equipment yards, parking lots and outdoor security where general illumination for safety or security of the grounds is the primary concern.

**CLASS 3 LIGHTING.** Any outdoor lighting used for decorative effects including, but not limited to, architectural illumination, flag and monument lighting, and illumination of trees, bushes, etc.

**CLINIC.** An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, psychologists, social workers, or other medical personnel and are not lodged overnight.

**CLINIC, VETERINARY.** See "Veterinary Services."

**CLUB OR LODGE, PRIVATE NON-PROFIT.** A building or land used for the activities of a non-profit private club or social organization and not adjacent to, operated as, or in connection with a public tavern, cafe, or other place open to the public. This term shall include, but shall not be limited to, saddle clubs, civic organizations, fraternities and sororities, and similar groups and activities.

**CLUB, PRIVATE.** A for profit establishment as defined in N.C.G.S. 18B-1000 (5) which holds an ABC permit from the State of North Carolina.

**CLUSTER SUBDIVISION.** A subdivision in which overall density is increased and the minimum dimensional requirements for individual lots are decreased in return for the provision of a greater amount of permanent open space.

**COLLECTOR STREET.** See "*Street, Collector.*"

**COLLEGE OR UNIVERSITY.** An institution of higher education offering undergraduate and/or graduate degrees.

**CO-LOCATION.** Co-location means the location of wireless telecommunications antennae/equipment from more than one provider on one common tower or structure. The sitting of two or more separate person's wireless antennas on the same support structure.

**COMMUNITY CENTER.** A building used for recreational, social, educational, and cultural activities, open to the public and usually owned and operated by a public or nonprofit group or agency.

**COMMERCIAL COMMUNICATION TOWER.** See "*Telecommunication Towers and Facilities.*"

**COMMERCIAL STABLES.** A lot and/or building on or in which livestock is sheltered on a contract basis. This term shall include but may not be limited to: commercial riding stables open to the general public; boarding, breeding and training of livestock for pay; and the training of riders/handlers involving groups of eight or more students; but shall not include polo fields or arenas which shall be treated as arenas for the purposes of this ordinance.

**CONGREGATE CARE FACILITY.** A licensed multi-unit facility which provides housing, part-time medical care, shared food preparation and dining areas, and recreational facilities, as well as significant social facilities to meet the needs of the elderly. Congregate care facilities do not include nursing care institutions or similar institutions devoted primarily to the care of the chronically ill or incurable.

**CONSTRUCTION, START OF.** The first placement of a structure, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work at the point of placing the foundation, or beyond the state of excavation or the placement of a manufactured home on a foundation. This definition does not include the installation of streets or walkways nor does it include the installation of temporary buildings on the property, such as garages, sheds, or trailers, not part of the main structure nor occupied as dwelling units.

**CONTIGUOUS AREA.** Any area which abuts directly on a subject property or is separated from the subject property by a street or the right-of-way of a railroad or other utility or public service corporation.

**CONVENIENCE STORE.** An establishment that is open for extended hours which sells packaged and/or prepared foods and other conveniences (which may include gasoline) primarily for consumption and use off premises. Sales of items are highly dependent upon convenience of location, store hours, speed of service and highway accessibility and are less dependent on comparison-shopping. Any retail establishment offering for sale gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same and having a gross floor area of less than five thousand square feet.

**CONVENTIONAL SUBDIVISION.** A subdivision which complies with the standard lot dimensions of 5-3. of the Red Cross zoning ordinance.

**COPY SHOPS AND BUSINESS SERVICE CENTERS.** Shops primarily engaged in providing photocopying, duplicating, blueprinting, and other document copying services, without also providing printing services (e.g., offset printing, quick printing, digital printing, prepress services) and establishments (except private mail centers) engaged in providing a range of office support services (except printing services), such as document copying services, facsimile services, word processing services, on-site PC rental services, and office product sales. This definition includes only those uses in the following NAICS group(s)

561439 Other Business Service Centers (including Copy Shops)

**CORNER LOT.** See "Lot, Corner."

**CORRECTIONAL INSTITUTION.** A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each twenty-four hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

**CRITICAL ROOT ZONE.** The area under a tree, which includes all land within the drip-line of the tree. The drip-line is measured by a vertical line extending from the outermost portion of a tree's canopy to the ground.

**CUL-DE-SAC.** See "Street, Cul-de-sac."

**CULTIVAR.** A cultivated plant variety or cultural selection.

**CULTURAL FACILITY.** An indoor or outdoor theater, auditorium, or other building or structure designed, intended, or used primarily for musical, dance, dramatic, or other live performances, or a museum or gallery operated primarily for the display, rather than the sale, of works of art.

**CUPOLA.** A light structure on a dome or roof, serving as a belfry, lantern or belvedere.

**CUSTOMARY HOME OCCUPATION.** Use conducted for financial gain within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof, and in connection with which there is no display. Not over twenty-five percent of the total floor space of any structure shall be used for home occupations. (See section 4-28. for specific requirements).

**DAY CARE CENTER.** A day care facility in which day care is provided for thirteen or more children when any child is preschool-age, or sixteen or more other children and/or adults.

**DAY CARE HOME, LARGE.** A facility in which day care is provided for six to twelve preschool-age children or up to fifteen other children and/or adults.

**DAY CARE HOME, SMALL.** An operation in which day care is provided for up to five preschool-age children, or up to eight other children and/or adults.

**DECIDUOUS.** A plant or tree with foliage that is shed annually.

**DEED RESTRICTION.** A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the county register of deeds. Also known as a restrictive covenant.

**DENSITY, GROSS RESIDENTIAL.** The number of residential dwelling units per acre of land, determined by dividing the number of dwelling units by the total number of acres in the parcel to be developed.

**DENTAL LABORATORY.** See "Medical or Dental Laboratory."

**DEPENDENT TRAILER.** A travel trailer which does not have a flush toilet, a lavatory and a bath or shower.

**DETENTION STRUCTURE.** A permanent structure designed for the temporary storage of stormwater runoff in order to reduce the peak rate of discharge from a site.

**DETERMINATION -** A written, final, and binding order, requirement, or determination regarding an administrative decision.

**DEVELOPER.** A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property. Any person actively engaged in the development of land. See "Applicant."

**DEVELOPMENT.** - UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE TERM MEANS ANY OF THE FOLLOWING:

1. THE CONSTRUCTION, ERECTION, ALTERATION, ENLARGEMENT, RENOVATION, SUBSTANTIAL REPAIR, MOVEMENT TO ANOTHER SITE, OR DEMOLITION OF ANY STRUCTURE.
  2. THE EXCAVATION, GRADING, FILLING, CLEARING, OR ALTERATION OF LAND.
  3. THE SUBDIVISION OF LAND AS DEFINED IN G.S. 160D-802.
  4. THE INITIATION OR SUBSTANTIAL CHANGE IN THE USE OF LAND OR THE INTENSITY OF USE OF LAND.
- THIS DEFINITION DOES NOT ALTER THE SCOPE OF REGULATORY AUTHORITY GRANTED BY THIS CHAPTER.

~~Development - The starting-out of any building activity, the making of any material change in the use or appearance of any structure or land, or the subdividing of land into parcels or lots.~~

~~(A) Except as provided in subsection (C) hereof, for the purposes of these regulations the following activities or uses shall be considered "development":~~

~~(1) The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water;~~

~~(2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land, or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;~~

~~(3) Alteration of the shore or bank of a pond, lake, river, or other waterway;~~

~~(4) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land;~~

~~(5) Clearing of land, including clearing or removal of vegetation, and involving any significant disturbance of vegetation or soil manipulation;~~

~~(6) Deposit of refuse, solids or liquid waste or fill on a parcel of land.~~

- (B) "Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity when part of other operations or activities is not development. Reference to particular operations is not intended to limit the generality of this definition.
- (C) For the purposes of these regulations the following operations or uses shall not be considered "development"; some may, however, require a zoning permit:
- (1) Work involving the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the color or deterioration of the exterior of the structure or interior alterations that do not engage the use for which the structure was constructed;
  - (2) Work involving the relocation or replacement of existing landscaped areas and existing rights-of-way;
  - (3) A change in use of land or structure from a use within a specific category of use to another use in the same category;
  - (4) A change in the ownership or form of ownership of any parcel or structure;
  - (5) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land, in use otherwise specifically required by law; or
  - (6) The clearing of survey cuts or other paths of less than four feet in width.

**Development approval.** - An administrative or quasi-judicial approval made pursuant to this Chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this Chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

**Development regulation.** - A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to this Chapter, or a local act or charter that regulates land use or development.

**DEVELOPMENT SITE.** See "Building Site."

**DIAMETER AT BREAST HEIGHT (DBH).** The caliper of an existing semi-mature or mature tree measured at four and one-half feet above the existing ground on the uphill side of the tree.

**DIRECTLY VISIBLE.** Allowing a direct line-of-sight to the light source or lamp.

**DISTURBED AREA.** An area subject to erosion due to the removal of vegetative cover and/or earthmoving activities.

**DORMER.** A projecting structure built out from a sloping roof, usually housing a vertical window or ventilating louver.

**DORMITORY.** A building containing bathroom facilities available for common use by the residents of the building, which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution and which is co-located with and subordinate to such institution. "Dormitory" shall not include a boarding house, motel, hotel, group home, or health institution.

**DOUBLE FRONTAGE LOT.** See "Lot, Double Frontage."

**DRIVE-THROUGH SERVICE WINDOW.** A customer service facility located within the principal structure as an accessory to an office or retail establishment which is intended to enable the customer to transact business with a sales or service representative located within the principal structure without exiting the motor vehicle.

**DRY CLEANING AND LAUNDRY PLANTS.** A building, portion of a building, or premises used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersions in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. This definition includes only those uses in the following NAICS group(s)

8123 Drycleaning and Laundry Services

**DRY CLEANING AND LAUNDRY SERVICES.** A building, portion of a building, or premises used for the collection and distribution of dry cleaning or the cleaning of fabrics, textiles, wearing apparel, or articles of any sort without the immersion of such articles in volatile solvents including, but not limited to petroleum distillates, and/or chlorinated hydrocarbons and any process incidental thereto. It is intended that uses in this category shall not pose a significant threat to the health and safety of the public or adjacent uses and that such may legally discharge all liquid waste into a public sanitary sewer or private septic system.

**DWELLING, MULTI-FAMILY.** A building or portion thereof used or designed as a residence for three or more families living independently of each other and doing their cooking therein, including apartments, and apartment hotels.

**DWELLING, SINGLE-FAMILY.** A detached residential dwelling, other than a mobile home, designed for and occupied by one family only.

**DWELLING, TWO-FAMILY.** A residential building arranged or designed to be occupied by no more than two families living independently of each other.

**Dwelling.** - Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of Article 12 of this Chapter, the term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

~~**DWELLING, SINGLE-FAMILY.** A building or portion thereof providing complete and permanent living facilities to one family. This would not include mobile homes as defined in this ordinance. A~~

~~room - a combination of rooms designed for year-round habitation, containing a bathroom and kitchen facilities, and designed for or used as a permanent residence by at least one family.~~

**DWELLING UNIT, ACCESSORY, ATTACHED.** A second dwelling unit connected to or located within three feet of a residential building, which is restricted in area, purpose and occupancy in accordance with this ordinance.

**DWELLING UNIT, ACCESSORY, DETACHED.** A dwelling unit located within an accessory structure, which is located more than three feet from the principal structure and is restricted in area, purpose and occupancy in accordance with this ordinance.

**DWELLING UNIT, EFFICIENCY.** A dwelling unit in which the sleeping and living areas are contained in the same room.

**EASEMENT.** A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

**EASEMENT, NEGATIVE ACCESS.** An easement, which allows no driveway or other vehicles, access to a lot from an adjacent public street.

**EASEMENT, SIGHT.** An easement, which grants the right to maintain unobstructed view across property, located at a street intersection.

**EMERGENCY SHELTER.** A facility providing temporary housing for one or more individuals who are temporarily or permanently homeless due to disaster, evacuation or other similar civil emergency.

**ENGINEER.** A person licensed to practice engineering in the State of North Carolina.

**EVERGREEN.** A plant or tree with foliage that persists year-round.

**Evidentiary hearing.** - A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this Chapter.

**EXHIBITION BUILDING.** A structure or facility designed, intended, or used primarily for public gatherings, indoor exhibitions, galleries, or conventions.

**EXISTING DEVELOPMENT.** Existing development means projects that are built or projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance.

**EXTERIOR FEATURES.** The architectural style, general design, and general arrangement of the exterior of a structure, including the kind, texture, and color of building materials, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures, and including the landscaping and natural features of the parcel containing the structure.

**EXTRACTION OF EARTH PRODUCTS.** Mining activities as defined in N.C. General Statutes 74-49; summarized as the breaking of surface soil in order to remove minerals, ores, or other solid materials.

**FAÇADE.** The exterior wall of a building extending from grade to the top of the parapet, wall, or eaves that is exposed to public view.



**FAIRGROUNDS.** An area of land use including, but not limited to: agricultural related office buildings, animal judging shows, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

**FAMILY.** Any number of persons living together as a single housekeeping unit.

**FARM PRODUCT SALES.** Seasonal sale of farm products raised on the premises where products are sold only as an accessory to an agricultural use.

**FARMER'S MARKET.** The seasonal selling or offering for sale at retail of vegetables or produce, occurring in a pre-designated area, where the vendors are generally individuals who have raised the vegetables.

**FEED AND FLOUR MILL.** Establishments primarily engaged in milling flour or meal from grains (except rice) or vegetables, and/or milling flour and preparing flour mixes or doughs.

**FEED AND SEED STORE.** Establishments primarily engaged in the retail sale of supplies directly related to the day to day activities of agricultural production.

**FENCE OR WALL, OPAQUE.** A vertical structure constructed of masonry, concrete, metal, or wooden material which does not allow light to pass through.

**FENESTRATION.** The design and positioning of windows and doors in a building or structure.

**FLAG.** A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature which represents a country, state, or other political subdivision.

**FLAMMABLE FUEL STORAGE (BELOW GROUND).** The storage of flammable or other hazardous liquids at a below grade location in compliance with applicable state laws.

**FLASHING SIGN.** A sign that uses an intermittent scrolled or flashing light or message to attract attention or is otherwise designed or constructed to have intermittent, flashing or scrolled light emitted from it.

**FLEA MARKET.** Sales area either indoor or outside in which spaces are rented to vendors for sale of a variety of merchandise including new, used or handmade articles. An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open facilities or temporary structures.

**FLOOD.** A temporary rise in stream flow or stage that results in water over topping stream banks and inundating areas adjacent to the watercourse.

**FLOOD BOUNDARY AND FLOODWAY MAP.** An official map on which the Federal Emergency Management Agency has delineated both the floodway and floodway fringe areas. Said maps also contain cross section information relevant to both the floodway and floodway fringe areas with data available in official reports supplied by the Federal Emergency Management Agency.

**FLOOD LAMP.** A specific form of lamp designed to direct its output in a specific direction (a beam) with a reflector formed from the glass envelope of the lamp itself, and with a diffusing glass envelope. Such lamps are so designated by the manufacturers.

**FLOOD LIGHT.** A form of lighting fixture designed to direct the output of a contained lamp in a more-or-less specific direction, utilizing reflecting or refracting elements located external to the lamp.

**FLOODPLAIN, 100 YEAR.** The channel and area abutting a watercourse, which would be covered with water during a 100 year flood as designated by the most recent reports and data provided by the Federal Emergency Management Agency.

**FLOODPLAIN, 500 YEAR.** The channel and area abutting a watercourse, which would be covered with water during a 500 year flood as designated by the most recent reports and data provided by the Federal Emergency Management Agency.

**FLOODWAY.** The portion of the channel and floodplain of a stream designated by the most recent Federal Emergency Management Agency reports and data as adequate to provide passage for the 100 year flood, without increasing the elevation of that flood at any point by more than one foot.

**FLOODWAY FRINGE.** An area lying outside the floodway, but within the floodplain.

**FLOOR.** The top surface of an enclosed area in a building (including the basement) such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

**FLOOR AREA.** The sum of the gross horizontal areas of each floor of the principal building, and any accessory buildings or structures, measured from the exterior walls or from the center line of party walls. The term does not include any area used exclusively for the surface parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space.

**FLOOR AREA RATIO (FAR).** The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

**FOOD AND BEVERAGE STORE.** An establishment primarily engaged in selling food or beverages for home preparation and consumption off premises. This definition includes only those uses in the following NAICS group(s)

445            Food and Beverage Stores

**FREESTANDING/SELF-SUPPORTING TOWER.** All telecommunications towers which are placed on an independent base and erected without support from other structures. Monopoles and lattice towers are types of freestanding towers.

**FREEWAY OR EXPRESSWAY.** A divided highway with full control of access and grade separation of all intersections.

**FRONT LOT LINE.** See "Lot Line, Front."

**FRONT YARD.** See "Yard, Front."

**FRONTAGE, LOT.** The lot boundary which coincides with a public street or space.

**FRONTAGE, BUILDING.** The façade of a structure facing the street.

**FRONTAGE BUILDOUT.** The portion of lot frontage which has a building or wall running parallel to it.

**FUEL DEALER.** An establishment primarily engaged in the retail sale of fuel oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels. This definition includes only those uses in the following NAICS group(s)

45431 Fuel Dealers

**FULL CUTOFF LIGHT FIXTURE.** A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at eighty degrees from nadir is no greater than 100 candela per 1000 lamp lumens.

**FULLY SHIELDED LIGHT FIXTURE.** A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

**FUNERAL HOME.** An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries. This definition includes only those uses in the following NAICS group(s)

8122 Death Care Services

**GASOLINE STATION, LARGE.** A retail establishment which primarily sells gasoline to the public and which may include a convenience store, garages for passenger vehicle repair with associated vehicle storage areas, and an automatic carwash as accessory uses.

**GASOLINE STATION, NEIGHBORHOOD.** A retail establishment which primarily sells gasoline to non-commercial vehicle operators, having no more than two canopies and eight separate pumping stations, and providing only minor passenger vehicle repairs.

**GENERAL RETAIL.** See "Retail, General."

**GLARE.** The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.

**GOLF COURSE.** An area designed for golf, including a Par 3 golf course, having at least nine holes, each with a tee, fairway, and green, and may have one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course.

**GOLF DRIVING RANGE.** An open air golf practice facility.

**GOVERNMENT OFFICES.** The offices of the executive, legislative, judicial, administrative and regulatory branches of federal, state and local governments. This definition includes only those uses in the following NAICS group(s):

92                      Public Administration

**GRADE.** The elevation of the land or land which is level at a specific point.

**GRADE, EXISTING.** The elevation along the ground surface of a site as recorded in topographic mapping at two foot or four foot contour intervals, on file in the office of the planning department, or as surveyed and mapped at a contour interval of not more than four feet, by a licensed surveyor.

**GRADE, FINISHED.** The elevation at the top of the ground, walk, or terrace where the ground, walk, or terrace intersects the exterior walls of a structure or the vertical supports of a sign.

**GREENWAY.** A linear open space along a natural or constructed corridor, which may be used for pedestrian or bicycle passage. Greenways often link areas of activity, such as parks, cultural features, or historic sites with each other and with populated areas.

**GROUND COVER.** Any plant material that reaches an average height of not more than twelve inches.

**GROUND LEVEL.** For floodway purposes, the existing average elevation of the land.

**GROUND SIGN.** See "Sign, Ground."

**GROUP CARE FACILITY.** A transitional housing facility for more than twenty residents, licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling for one or more of the following purposes:

- (A) To assist them to recuperate from the effects of or refrain from the use of drugs or alcohol;
- (B) To provide emergency and temporary shelter for persons in distress such as runaway children and battered individuals; and
- (C) To provide shelter and support for older adults and persons who are handicapped.

A group care facility shall not serve primarily as an alternative to incarceration. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.

**GROUP HOMES.** A dwelling housing six or fewer disabled persons who live as a family unit, along with individuals charged with their care.

**GROUP HOME A.** A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board,

personal care and rehabilitation services in a supportive family environment for not more than six residents, exclusive of supervisory personnel, including but not limited to, handicapped persons, older adults, foster children, and abused individuals. This use shall include Family Care Homes, as defined in North Carolina General Statute 168-21. This use shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

**GROUP HOME B.** A transitional housing facility with support and supervisory personnel licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services in a supportive family environment for not more than twelve residents, exclusive of supervisory personnel, including but not limited to handicapped persons, older adults, foster children, and abused individuals. This unit shall not serve primarily as an alternative to incarceration, shall not include individuals who are dangerous to others, as defined in North Carolina General Statute 122C-3(11)b, and shall not include persons living together as a fraternal, sororal, social, honorary, or professional organization.

**GROSS FLOOR AREA.** The total area of any buildings in the projects, including the basements, mezzanines and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the store such as boiler rooms and maintenance shops.

**HABILITATION FACILITY A.** Any facility in which one to eight handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses "schools, elementary or schools, secondary." These facilities are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

**HABILITATION FACILITY B.** Any facility in which more than eight handicapped persons receive habilitation services, rehabilitation services or engage in recreational activities, regardless of whether these services and activities are therapeutic or educational in nature. These facilities are licensed by the State of North Carolina and do not provide room and board. This definition does not include the principal uses "schools, elementary or schools, secondary." These facilities are intended to serve handicapped persons as defined in state law, in accordance with rights provided by applicable laws.

**HANDICAPPED PERSON.** A person with a physical or mental impairment which substantially limits one or more of such person's life activities; a record of having such impairment; or being regarded as having such an impairment. This definition does not include current illegal use of or addiction to a controlled substance. This definition includes children, but does not include persons who are dangerous to others as defined by G.S. 122C-3.11(b).

**HAZARDOUS OR TOXIC MATERIALS.** Any substance or matter, which is highly ignitable, corrosive, reactive, or toxic, including hazardous waste which is discarded hazardous material. In general, a hazardous or toxic material is any substance which could damage the public health or environment if it is not handled properly. Any substance listed as such in the Superfund Amendments and Reauthorization Act (SARA) Section 302, Extremely Hazardous Substances; the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Hazardous Substances; Section 311 of the Clean Water Act (CWA) (oil and

hazardous substances); or any solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- (A) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- (B) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

**HAZARDOUS MATERIALS TREATMENT FACILITY.** A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material so as to neutralize such material or render it non-hazardous, safer for transport, amenable for recovery, amenable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

- (A) A facility which manufactures hazardous materials from component non-hazardous materials;
- (B) A facility or location for the long term or perpetual storage of hazardous materials; or
- (C) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

**HAZARDOUS SUBSTANCE.** Any chemical defined as a physical hazard or a health hazard under standards of North Carolina Administrative Code 7C.0101(a)(105). Physical hazards include, but are not limited to, chemicals, which are combustible, explosive, flammable, and reactive. Health hazards include, but are not limited to, chemical, which are carcinogens, toxins, corrosives, or irritants.

**HAZARDOUS WASTE MANAGEMENT FACILITY.** Any commercial hazardous waste facility which accepts hazardous waste from the general public or from another person for a fee, but does not include any facility owned or operated by a generator of hazardous waste solely for its own use. A hazardous waste facility means a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste. This definition includes hazardous materials treatment facilities as defined herein.

**HEALTH SERVICES, MISCELLANEOUS.** This class of use includes outpatient care centers such as kidney dialysis centers, blood banks, birth control clinics, mental health and drug treatment centers, and similar uses. This definition includes only those uses in the following NAICS group(s):

- 6214 Outpatient Care Centers
- 6215 Medical and Diagnostic Laboratories
- 62199 All Other Ambulatory Health Care Services

**HEIGHT, BUILDING.** The vertical distance measured from the average elevation of the finished grade of all sides of a building, measured at the midpoint of each side, to the topmost elevation of the roof or to the topmost projection of the building above any roof, including

parapet walls. Enclosed penthouses or equipment rooms are considered a part of the building and included in the calculation of building height.

**HELICOPTER LANDING PAD.** The designated takeoff and landing area from which helicopter departures and approaches are intended to originate or terminate.

**HELIPORT.** A helicopter terminal facility for general public transportation with support facilities. The word "heliport" shall mean an area on the ground used by helicopters, which may include, in addition to the landing pad, passenger and cargo facilities, maintenance, overhaul, fueling, service and storage facilities, tie-down areas, hangars, parking and other necessary buildings and open spaces. The term "heliport" includes the terms "heliports" and "public-use heliport" used in Federal Aviation Administration publications.

**HELISTOP.** A limited use helicopter terminal facility that is clearly subordinate to a related business, institution, or other operation. The word "helistop" shall mean an area, either on the ground or on a building, and shall include the landing pad used by helicopters for the purpose of picking up or discharging passengers or cargo, routine maintenance facilities, parking area, fuel pumping facilities (only if such activity is approved by the appropriate agencies), and storage or hangar facilities, but no other accessory facilities. The term "helistop" includes the terms "private-use heliport" and "personal-use heliport" contained in Federal Aviation Administration publications, except for the limitations on the facility as noted in this definition.

**HOME OCCUPATIONS.** A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building.

**HOSPITAL.** A facility providing medical, psychiatric, or surgical services for sick or injured persons, including emergency treatment, diagnostic services, training, research, and administration. This definition includes only those uses in the following NAICS group(s)

622                   Hospitals

**HOTEL.** A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Hotels may or may not provide onsite parking and access to hotel rooms is generally provided through interior hallways.

**ILLUMINANCE.** The amount of light falling onto a unit area of surface (luminous flux per unit area), measured in lumens per square meter (lux) or lumens per square foot (footcandles).

**IMPERVIOUS SURFACE COVER.** Any structure or material which significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements pursuant to the zoning ordinance, wooden slatted decks and the water area of a swimming pool are considered pervious.

**IMPROVEMENT.** Any structure or constructed feature not included under the definition of structure.

**INDEPENDENT LIVING FACILITY.** An unlicensed facility providing living arrangements for the elderly and their spouses in single-family, duplex, or multi-family units designed to allow a predominately independent lifestyle within the framework of a larger, unified, health maintenance environment.

**INFILL DEVELOPMENT.** The construction of a building on a vacant parcel located in a predominately built up area.

**INSTALLED.** The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

**JAIL.** A building, and all accessory uses and structures, used to confine, house, and supervise persons who are serving terms of imprisonment for violations of criminal laws or who are awaiting trial for alleged violations of criminal laws, but not including temporary holding facilities that are accessory to a police station and not including any housing or other facilities for persons who are participating in work-release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

**JUNKYARD.** The use of more than six hundred square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles, machinery or parts thereof regardless of whether such material is for sale.

**KENNEL.** A use or structure intended and used for the breeding or accommodation of small domestic animals for sale and/or for the training or overnight boarding of animals for persons other than the owner of the lot. This definition shall not include a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

**LANDFILL, CONSTRUCTION AND DEMOLITION.** A landfill which accepts construction or demolition debris or waste including solid waste from construction, remodeling, repair or demolition operations on pavement, buildings, or other structures.

**LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID).** A landfill that is limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

**LANDFILL, SANITARY.** A facility for the disposal of all types of solid wastes, excluding hazardous wastes or toxic substances.

**LANDSCAPE ARCHITECT.** A person licensed to practice landscape architecture in the State of North Carolina.

**LANDSCAPING.** The installation and maintenance of trees, shrubs, plant materials, and/or ground cover, including grass, mulch, decorative stone and similar materials, but excluding bare soil, uncultivated vegetation, impervious pavement materials, and gravel.

**LARGE MATURING TREE.** A tree whose height is greater than thirty-five feet at maturity and meets the specification of the *American Standards for Nursery Stock* published by the American Association of Nurserymen.

**LAUNDRY AND LINEN SUPPLY SERVICE.** Establishments primarily engaged in supplying laundered items, such as table and bed linens, towels, diapers, and types of uniforms.



**Legislative decision.** - The adoption, amendment, or repeal of a regulation under this Chapter or an applicable local act. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of this Chapter.

**Legislative hearing.** - A hearing to solicit public comment on a proposed legislative decision.

**LIBRARY, PUBLIC.** A publicly operated facility housing a collection of books, magazines, audio and video tapes, or other material for use by the general public.

**LIGHT POLLUTION.** Any adverse effect of manmade light.

**LIGHT TRESPASS.** Light falling where it is not wanted or needed, typically across property boundaries.

**LINEAR FRONTAGE.** The length of a property abutting a public right-of-way from one side lot line to another.

**LINTEL.** A beam supporting the weight above a door or window opening.

**LIVESTOCK SALES AND AUCTIONS.** A commercial establishment where livestock are collected for sale or auction.

**Logo.** A business trademark or symbol.

**LOT.** A physically defined parcel of land occupied or capable of being occupied by a building or group of buildings, recorded in the office of the register of deeds of Stanly County. A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in these regulations.

**LOT COVERAGE.** That portion of the lot area, expressed as a percent that is covered by impervious surface cover.

**LOT DEPTH.** The mean horizontal distance between front and rear lot lines.

**LOT LINE.** A line or series of connected line segments bounding a lot.

**LOT LINE, FRONT.** The line which separates the lot from a street right-of-way. Corner lots shall have only one front lot line.

**LOT LINE, INTERIOR.** A side lot line, which separates one lot from another lot.

**LOT LINE, REAR.** That lot line which is opposite and most distant from the front lot line, except in the case of a triangular lot, a line ten feet in length, entirely within the lot, parallel to, and at the maximum distance from the front lot line, or a chord thereof if the front lot line is curved, shall be considered as the rear lot line for purposes of determining the required rear yard. In cases where neither of these conditions is applicable, the zoning administrator shall designate the rear lot line.

**LOT LINE, SIDE.** A lot line other than a front or rear lot line.

**LOT OF RECORD.** A lot which is part of a subdivision, a plat of which has been recorded in the office of the register of deeds of Stanly County, or a lot described by metes and bounds, the description of which has been so recorded. A lot described by plat or by metes and bounds which has been recorded in the office of the Stanly County register of deeds.

**LOT WIDTH.** The distance between side lot lines measured at the building line setback. The horizontal distance between the side lot lines at the building setback line as measured along a straight line parallel to the front lot line or parallel to the chord thereof.

**LOT, ADJACENT.** See "Adjacent Property."

**LOT, CORNER.** A lot located at the intersection of two or more streets, or abutting a curved street or streets in such a way that the front building line meets either side lot line at an interior angle of less than 135 degrees.

**LOT, DOUBLE FRONTAGE.** A lot having frontage and access on two or more public streets. A corner lot shall not be considered as having double frontage unless it has frontage and access on three or more streets.

**LOT, FLAG.** A lot where access to the street is provided by a long, narrow strip of land (the "flag pole") and the usable land itself is a rectangular piece at the end of the strip (the "flag") away from the street.

**LOT, INTERIOR.** A lot other than a corner lot with frontage on only one street.

**LOT, REVERSE FRONTAGE.** A lot having frontage on two or more streets, one of which is a minor or less important street in the community, the access to which is restricted to the minor street.

**LOT, THROUGH.** See "Lot, Double Frontage."

**LOT, ZONING.** A parcel or contiguous parcels of land which is indicated by the owner at the time of application for a building or certificate of zoning compliance as being that land which is proposed for development under a single development plan.

**LUMEN.** Unit of luminous flux; used to measure the amount of light emitted by lamps.

**MAINTAINED EASEMENT.** A recorded right of way made of crushed gravel, pavement, or graded and cleared of brush, so as to permit access by vehicles.

**MANUFACTURED HOME.** (See G.S.143-145 (7)): A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or forty body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in it. "Manufactured home" includes any structure that meets all of the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1976. "Manufactured homes" are not constructed in accordance with the standards set forth in the North Carolina State Building Code and may also be referred to as a "mobile home." A dwelling unit that: a) is not constructed in accordance with the standards of the North Carolina State Building Code for one and two family dwellings; b) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and

designed to be transported to the home site on its own chassis; and, c) exceeds forty feet in length and eight feet in width.

**MANUFACTURED HOME, CLASS A.** A multi-sectional manufactured home that was constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (A) Is occupied only as a single-family dwelling;
- (B) Has a minimum width of sixteen feet;
- (C) Has a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part;
- (D) Has the towing apparatus, wheels, axles, and transporting lights removed and not included in length and width measurements;
- (E) Has an eave projection of no less than six inches, which may include a gutter; and

**MANUFACTURED HOME, CLASS B.** A multi-sectional or single section manufactured home constructed after July 1, 1976 that meets or exceeds the constructions standards of the U.S. Department of Housing and Urban Development that were in effect at the time of construction but does not meet the dimensional requirements of a Class A manufactured home.

**MANUFACTURED HOME PARK.** Any lot, tract or parcel of land used, maintained or intended to be used, leased or rented for occupancy by four or more manufactured homes, or trailers together with accessory structures provided in connection therewith. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale. A development site, whether a single parcel or multiple contiguous parcels, containing spaces leased or intended to be leased for occupancy by manufactured homes used as residential dwellings regardless of whether such homes are provided as part of the lease and including all uses accessory to the residential use. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for the purpose of inspection and sale.

**MANUFACTURED HOME SPACE.** The land in a manufactured home park allotted to or designated for the accommodation of one manufactured home.

**MANUFACTURED HOME SUBDIVISION.** Any parcel of land which is subdivided, with utilities extended for the installation or placement of manufactured homes.

**MANUFACTURING A.** A manufacturing establishment primarily engaged in the manufacture of foodstuffs, textiles, electrical components or tobacco products, and the fabrication of wood, leather, paper, water or plastic products. Because of the nature of its operations and products, Manufacturing B could impact immediately adjoining properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS group(s):

313	Textile Mills
322	Paper Manufacturing
337	Furniture and Related Product Manufacturing
3119	Other Food Manufacturing

3122	Tobacco Manufacturing
3169	Other Leather and Allied Product Manufacturing
3219	Other Wood Product Manufacturing
3231	Printing and Related Support Activities
3261	Plastics Product Manufacturing
3341	Computer and Peripheral Equipment Manufacturing
3342	Communications Equipment Manufacturing
3343	Audio and Video Equipment Manufacturing
3344	Semiconductor and "Other Electronic Component Manufacturing"
3351	Electric Lighting Equipment Manufacturing
3353	Electrical Equipment Manufacturing
3391	Medical Equipment and Supplies Manufacturing

**MANUFACTURING B.** A manufacturing establishment primarily engaged in the processing and manufacturing of materials or products not otherwise classified under Manufacturing A, Manufacturing B, or other use defined in this section. Manufacturing C includes the processing and manufacturing of products from extracted or raw materials, the assembly of large or heavy machinery, and the storing or using of flammable, explosive, hazardous, or toxic materials in the manufacturing processes. Because of the nature of its operations and products, Manufacturing C may impact surrounding properties due to noise, odor, vibration, glare, and/or air and water pollution. This definition may include the uses in the following NAICS group(s):

331	Primary Metal Manufacturing
3133	Textile and Fabric Finishing and Fabric Coating Mills
3161	Leather and Hide Tanning and Finishing
321114	Wood Preservation
3212	Veneer, Plywood, and Engineered Wood Product Manufacturing
3221	Pulp, Paper and Paper Board Mills
3241	Petroleum and Coal Products Manufacturing
3259	Other Chemical Product and Preparation Manufacturing
3262	Rubber Product Manufacturing
3271	Clay Product and Refractory Manufacturing
3272	Glass and Glass Product Manufacturing
3279	Other Nonmetallic Mineral Product Manufacturing
3329	Other Fabricated Metal Product Manufacturing
3333	Commercial and Service Industry Machinery Manufacturing
3353	Electrical Equipment Manufacturing
3359	Other Electrical Equipment and Component Manufacturing
3369	Other Transportation Equipment Manufacturing

**MASSAGE AND BODY WORK THERAPY.** Any massage or body work therapy as defined by the North Carolina Massage and Bodywork Therapy Practice Act, G.S. 90-621 et. seq., provided by a person licensed as provided therein to perform such therapy.

**MASSING.** The shape and form of a building or assemblage of buildings assumes through architectural design.

**MEAN SEA LEVEL.** The National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on the flood insurance rate maps for Davie County are referenced.

**MEAT PACKING PLANT.** An establishment primarily engaged in the slaughtering of cattle, hogs, sheep, lambs, and calves for meat to be sold or to be used on the same premises in canning, cooking, curing, and freezing, and in making sausage, lard, and other products. The definition includes all uses in the following NAICS group(s):

3116 Animal Slaughtering and Processing

**MEDICAL OR DENTAL LABORATORY.** An establishment primarily engaged in providing professional analytic or diagnostic services to the medical profession, or to the patient, on direction of a physician; or an establishment primarily engaged in making dentures, artificial teeth, and orthodontic appliances to order for the dental profession. This definition includes only those uses in the following NAICS group(s):

3391 Medical Equipment and Supplies Manufacturing  
6215 Medical and Diagnostic Laboratories

**MEDICAL AND SURGICAL OFFICES.** An establishment primarily engaged in furnishing medical and surgical services to individuals and licensed for such practice by the state. This definition includes only those uses in the following NAICS group(s):

6211 Offices of Physicians  
6212 Offices of Dentists  
6213 Offices of Other Health Practitioners

**MEMORIAL SIGN OR PLAQUE.** A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

**MIXED-USE BUILDING.** The combination of both commercial and residential uses within a single building of two or more stories, wherein at least fifty percent of the heated floor area contains residential dwelling unit(s).

**MIXED-USE DEVELOPMENT.** A planned development where two or more use categories (commercial, residential, industrial, institutional, etc.) are incorporated on a single development site.

**MOBILE HOME.** See "Manufactured Home."

**MOBILE HOME PARK.** See "Manufactured Home Park."

**MOBILE HOME SUBDIVISION.** See "Manufactured Home Subdivision."

**MODULAR HOME.** A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home (except that the modular home meets The North Carolina State Building Code), or a series of panels or rooms sections transported on a truck and erected or joined together on the site. Modular units meeting "Regulations for Mobile and Modular Homes" of the State of North Carolina (GS 143-139-1) and built to the standards of the North Carolina Uniform Residential Building Code shall be allowed in all residential zones districts; either as single-family or multi-family structures as permitted within the various districts. A dwelling unit which is constructed in compliance with

the North Carolina State Building Code and composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation or other acceptable means established by the North Carolina State Building Code.

**MOTEL.** A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services. Motels provide on-site parking and access to most rooms is provided directly from a parking area.

**MOTOR VEHICLE.** Any vehicle which is self-propelled and every vehicle designated to run upon the highways which is pulled by a self-propelled vehicle. For purposes of this definition, the term motor vehicle shall not include vehicles or implements used in farming or construction but shall include all forms of motorized watercraft.

**MOTOR VEHICLE, INOPERATIVE.** A motor vehicle which meets at least one of the following criteria:

- (A) Vehicle is presently unable to satisfy the vehicle inspection standards of the State of North Carolina, regardless of whether said vehicle possesses a currently valid inspection certificate; or
- (B) Vehicle lacks a current inspection certificate, or displays an expired certificate; or
- (C) Vehicle is partially dismantled or wrecked; or
- (D) Vehicle cannot be self-propelled or move in the manner in which it originally was intended to move; or
- (E) Vehicle has expired license plate or is unlicensed.

**MOTOR VEHICLE BODY OR PAINT SHOP.** An establishment primarily engaged in body work, painting, or customizing of automobiles or other motor vehicles. This definition includes only those uses in the following NAICS group(s):

81112 Automotive Body, Paint, Interior and Glass Repair

**MOTOR VEHICLE DISMANTLING AND WRECKING YARD.** Any open area of more than two hundred square feet used for storing or dismantling inoperative motor vehicles. This definition includes only those uses in the following NAICS group(s):

4211 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesaler  
4219 Miscellaneous Durable Goods Merchant Wholesalers

**MOTOR VEHICLE REPAIR AND MAINTENANCE.** An establishment engaged in providing mechanical automotive maintenance and repair, such as engine repair, exhaust system replacement and transmission repair, and/or providing other related services, such as upholstery or glass replacement. This use includes service stations but does not include body work or painting. This definition includes only those uses in the following NAICS group(s):

8111 Automotive Repair and Maintenance  
81112 Automotive Body, Paint, Interior and Glass Repair

**MOTOR VEHICLE SALES, RENTAL AND LEASING.** Any use where automobiles, other motor vehicles, or manufactured homes are stored and/or displayed for the purpose of sale or lease as an entire or complete unit. This definition includes only those uses in the following NAICS group(s):

- 4411 Automobile Dealers
- 4412 Other Motor Vehicle Dealers
- 45393 Manufactured (Mobile) Home Dealers
- 5321 Automotive Equipment Rental and Leasing

**MOTOR VEHICLE STORAGE YARD.** An outdoor area for the storage of more than one wrecked, damaged, or inoperative motor vehicle awaiting insurance adjustment, major body work, or other repair, or other disposition. This definition does not include motor vehicle parts, used, NAICS group 423140, and waste materials, NAICS group 5093, recyclable material merchant wholesalers, NAICS group 423930, automotive parts and accessories stores, NAICS group 441310, or tire dealers, NAICS group 441320.

**MULTIPLE BUILDING SITE.** A group of two or more nonresidential buildings established on a single development tract, having unified design of buildings and coordinated organization of open space, parking, and service areas.

**MULTI-CLASS LIGHTING.** Any outdoor lighting used for more than one purpose, such as security and decoration, such that its use falls under the definition of two or more classes as defined for Class 1, 2, and 3 lighting.

**MULTI-FAMILY.** See "Residential Building, Multi-family."

**MUSEUM OR ART GALLERY.** A structure used for the display and preservation of paintings, sculpture, and other constructed or natural objects illustrating human or natural history. This definition includes only those uses in the following NAICS group(s):

- 7121 Museums, Historical Sites and Similar Institutions

**NAICS.** North American Industry Classification System, 2002.

**NATURAL OBSTRUCTION.** Any rock, tree, gravel, or similar natural matter which is an obstruction and has been located within the floodway by a nonhuman cause.

**NEIGHBORHOOD RECREATION AREA.** Public or private tennis, basketball or other courts, swimming pools or similar indoor and/or outdoor uses that are operated on a fee or membership basis primarily for the use of persons who reside in a specific area or neighborhood in which the facility is located. Neighborhood recreation areas may include accessory uses such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

**NET ACREAGE.** The remaining area after deleting all portions for proposed and existing streets within a development parcel or subdivision. For parcels including recreational facilities and outdoor display lots, the area devoted to the special use shall also be excluded from the net acreage.

**NONCOMMERCIAL COPY.** A sign message through pictures, illustrations, symbols and/or words, or any combination thereof, which does not contain any reference to a business or

product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

**NONCONFORMING LOT.** Any lot of record which does not meet the dimensional requirements established in these regulations as adopted or amended.

**NON-CONFORMING USE OR STRUCTURE.** A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.

**NONCONFORMING STRUCTURE.** Any structure which does not comply with all of the standards and regulations of this ordinance as adopted or amended.

**NONCONFORMING USE.** Any use of land or buildings which does not comply with all of the regulations of this ordinance as adopted or amended.

**NONRESIDENTIAL DEVELOPMENT.** All development other than residential development, agriculture and silviculture.

**NONSTORE RETAIL.** See "Retail, Nonstore."

**NURSERY, LAWN AND GARDEN SUPPLY STORE, RETAIL.** An establishment primarily engaged in the retail sale of trees, shrubs, other plants, seeds, bulbs, mulches, soil conditioners, fertilizers, pesticides, garden tools, and other garden supplies to the general public. These establishments primarily sell products purchased from others, but may sell some plants, which are grown at the establishment. This definition includes only those uses in the following NAICS group(s)

4442           Lawn and Garden Equipment and Supplies Store

**NURSING CARE INSTITUTION.** A licensed healthcare facility, however named, governmental or non-governmental, which provides in-patient care to six or more non-related persons for whom planned and continued medical or nursing attention, or both, are indicated in contrast to the occasional or incidental care provided in congregate care facilities. A nursing care institution may be designed and marketed specifically for the elderly, physically handicapped, or both, but not specifically for mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)(b).

**OFF GRID SOLAR SYSTEM -** A Photovoltaic solar system in which the circuits energized by the solar system are not electrically connected in any way to electric circuits that are served by an electric utility company

**OFF-STREET PARKING.** Parking which occurs on a lot and not on a street or other public right of way.

**OFFICE.** A use or structure in which business or professional services are conducted or rendered.

**OFFICE, MISCELLANEOUS.** Office uses not specifically listed and defined elsewhere in this ordinance as a principal use.



**OFF PREMISES SIGN.** A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

**OFFICES, PROFESSIONAL.** See "Professional Offices."

**ON PREMISES SIGN.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

**OPEN SPACE.** Land used for recreation, natural resource protection, amenities, protection of important rural and town vistas and/or buffer yards. Open space may include, but is not limited to, lawns, walkways, active recreation areas, playgrounds, wooded areas, and greenways.

**OPEN SPACE, COMMON.** Open space within a development not in individually owned lots, which is designated and intended for the common use or enjoyment of the residents of the development or the public at large.

**OPEN STORAGE.** An unroofed area for the storage of bulk materials or discarded items, whether fenced or not.

**OPTICAL SERVICES.** An establishment where health practitioners engage in the practice of optometry by providing patients with eye examinations to determine visual acuity or the presence of visual problems. Optical services also include the prescription and sale of such products as eye glasses, contacts, or other instruments intended to enhance visual perception.

**ORTHOPEDIC SUPPLY HOUSES.** A place where prosthetic appliances, surgical dressings, crutches, surgical sutures, and personal industrial safety devices are prepared and distributed.

**OUTDOOR DISPLAY, RETAIL.** An establishment primarily engaged in selling motor vehicles, trucks, manufactured homes, recreational vehicles, boats, or other large items, which require outdoor display. This definition includes only those uses in the following NAICS group(s):

4411	Automobile Dealers
4412	Other Motor Vehicle Dealers
4539	Other Miscellaneous Store Retailers

**OUTDOOR LIGHTING.** Any light source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public or private streets.

**OUTDOOR STORAGE AREA.** Any area which contains trash collection areas or dumpsters, open air docks, outdoor storage of bulk materials and/or parts, or areas regularly used for outdoor repair areas or service stations, but excluding temporary construction and related activities and closed bay docks.

**OUTPARCEL.** A separately leased or owned lot developed apart from but linked functionally to a larger development site.

**OWNER.** Any full or part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal title to the whole or to part of a structure or parcel of land.

**PACKAGE SEWER TREATMENT PLANT.** A pre-fabricated set of devices used in the storage, treatment and ultimate discharge or reclamation of sanitary sewer or industrial wastes of a liquid nature.

**PARAPET.** That portion of a building wall or false front that extends above the roof line.

**PARAPET WALL.** A building wall which extends to or above a flat roofed platform or building roof.

**PARCEL.** See "Lot."

**PARK.** Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

**PARK, NEIGHBORHOOD.** A town or county owned park intended to serve the recreational needs of people living or working within a one-half mile radius of the park.

**PARK, REGIONAL.** A town or county owned park intended to serve the recreational needs of all residents of the town and perhaps a large portion of the county with activities and natural features not included in most other types of parks, and often based on a specific natural feature or scenic or recreational opportunity.

**PARKING, LOT OR DECK.** A principal or accessory use of a zoning lot with or without a parking structure for use as a place for the temporary or long-term parking of motor vehicles.

**PEDESTRIAN ORIENTED DEVELOPMENT.** Any development type which accommodates the needs of the pedestrian. Such development will have parking to the side or rear of a building, will mix uses and provide them in proximity to one another, will allow the pedestrian the option of accomplishing certain trips without automobile use, and will provide a variety of interesting and detailed streetscapes which equally balance the need of the pedestrian and car.

**PERENNIAL STREAM.** A stream or creek containing a continuous natural flow of water throughout the year except possibly under exceptionally dry conditions and identified on seven and one-half minute United States Geological Survey Quadrangle Maps by solid blue lines.

**PERSONAL SERVICES.** Establishments primarily engaged in providing services involving the care of a person or his or her apparel. Personal service shall include: laundry and dry cleaning establishments, carpet and upholstery cleaning, photographic studios, beauty and barber shops, shoe repair, physical fitness centers and clubs and tanning salons. An establishment primarily engaged in providing a service(s) to individuals such as a beauty and/or barber shop, a dry-cleaning establishment, advertising, or computer services but shall not include any use which may be defined as adult entertainment. Personal Services include the following list of uses:

- 5419 Other Professional, Scientific and Technical Services (except 54194 "Veterinary Services")
- 5617 Services to Buildings and Dwellings
- 81143 Footwear and Leather Goods Repair
- 8121 Personal Care Services
- 8123 Dry Cleaning and Laundry Services, (excluding "Dry Cleaning and Laundry Plants")
- 8129 Other Professional Services (except 81293 "Parking Lots and Garages")

**PERVIOUS SURFACE COVER.** A surface cover that presents an opportunity for precipitation to infiltrate into the ground.

**PHARMACY.** A place where drugs and medicines are prepared and dispensed by prescription from a hospital, medical or dental clinic.

**PHOTOVOLTAIC SYSTEM** - An active solar energy system that converts solar energy directly into electricity.

**Planning and development regulation jurisdiction.** - The geographic area defined in Part 2 of this Chapter within which a city or county may undertake planning and apply the development regulations authorized by this Chapter.

**PLANTING YARD.** Area where required plantings are located.

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

**PLAZA.** An urban open space, constructed entirely or largely of hard-surfaced paving blocks, stone, brick, or similar materials, framed on at least two sides by the vertical rise of building walls; occasionally framed by closely planted large maturing trees in lieu of buildings. May be used for occasional parking in front of a civic or public building.

**POST OFFICE.** A facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail services for the general public, such as stamps, postcards, or postal insurance.

**POSTAL FACILITY, NEIGHBORHOOD.** A facility that has: distribution boxes (cluster boxes) and collection services for the general public; no mail carriers or retail services; and, is located in a neighborhood where most of the users are within walking distance of the facility, or live in the neighborhood.

**PREMISES.** see "Lot."

**PRINCIPAL BUILDING OR STRUCTURE.** A building or structure containing the principal use of the lot.

**PRINCIPAL USE.** The primary purpose or function that a lot serves or is proposed to serve.

**PRIVATE ROAD OR ROADWAY.** Any street within a campground not publicly maintained and utilized for access by the occupants of the campground, their guests and the public.

**PROCESSING FACILITY.** A building or an enclosed space used for the collection and processing of recyclable material or for the purpose of re-preparation of materials for efficient shipment.

**PROFESSIONAL OFFICES.** An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies. This definition includes only those uses in the following NAICS group(s):

5111	Newspaper, Periodical, Book, and Database Publishers
5112	Software Publishers
5231	Securities and Commodity Contracts Intermediation and Brokerage

5241	Insurance Carriers
5242	Agencies, Brokerages, and Other Insurance Related Activities
5312	Offices or Real Estate Agents and Brokers
5411	Legal Services
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
5413	Architectural, Engineering and Related Services
5415	Computer System Design and Related Services
5416	Management, Scientific and Technical Consulting Services
5418	Advertising and Related Services (except 54185 Display Advertising)
5511	Management of Companies and Enterprises
56144	Collection Agencies
56145	Credit Bureaus
5615	Travel Arrangement and Reservation Services

**PROGRESSIVE CARE COMMUNITY.** An area of land including one or more buildings under unified management, planned and developed as a unit to provide for the traditional residency and care of the elderly in a full range of living and care arrangements which includes at least two of the following: independent living and care, congregate care, or nursing care institutions.

**PROJECT AREA.** Any area of land and/or water, regardless of the number of individual parcels contained therein, on which development is proposed under these regulations. See "Development."

**PROJECTING SIGN.** See "Sign, Projecting."

**PROPOSED RIGHT-OF-WAY LINE.** The margin of a thoroughfare's right-of-way at its ultimate intended width, determined by: a) the thoroughfare's classification; and b) dimensional requirements or location criteria as established in the subdivision ordinance.

**PROTEST PETITION.** A petition, authorized by state law, submitted to the city council by adjacent property owners in opposition to a proposed zoning amendment.

**PUBLIC.** Under the control or responsibility of the town council on behalf of the general population, rather than individual or private control.

**PUBLIC SEWAGE DISPOSAL SYSTEM.** An approved sewage disposal system serving ten or more connections, including municipal and sanitary district sewerage systems as well as "package" plants constructed in a location and to specifications approved by county or state health officials.

**PUBLIC WATER SUPPLY SYSTEM.** Any water supply system serving more than one dwelling unit, approved by county or state health authorities, shall be considered a public water supply system; except that dwellings located on the same lot or parcel as any such system shall be considered as being served by a private system, and minimum lot or parcel sizes shall be maintained as such.

**PUBLIC WORKS FACILITY.** All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the N.C. Utilities Commission. This definition does not include pump stations, lift stations, water towers, utility substations or similar appurtenances.

**QUALIFIED PROFESSIONAL.** A professional licensed and/or registered in the state of North Carolina performing services only in their areas of competence. This term shall include only registered land surveyors, registered engineers, registered architects, and registered landscape architects.

**QUARRY.** An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

**Quasi-judicial decision.** - A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

**REDEVELOPMENT.** The demolition and reconstruction of a building or a portion of a building.

**REAL ESTATE SIGN.** See "Sign, Real Estate."

**REAR LOT LINE.** See "Lot Line, Rear."

**REAR YARD.** See "Yard, Rear."

**RECREATIONAL FACILITY, PUBLIC.** An area or facility designed to meet the demand for active recreation, including play fields, ball diamonds, parks with picnic and playground equipment, golf courses, tennis courts, swimming pools, tot lots and similar uses, available to the public and under the management or control of a public agency.

**RECREATION SERVICES, INDOOR.** Establishments engaged in providing indoor recreation services. Such may include public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Indoor recreation structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. This definition includes only those uses in the following NAICS group(s):

6116	Other Schools and Institutions
711	Performing Arts, Spectator Sports, and Related Industries
7111	Performing Arts Companies
71394	Fitness and Recreational Sports Centers

**RECREATION SERVICES, OUTDOOR.** Establishments engaged in providing outdoor recreation services such as country clubs, swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. Outdoor recreation shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use

of patrons of the principal recreational use. This definition includes only those uses in the following NAICS group(s):

- 7112 Spectator Sports
- 7139 Other Amusement and Recreation Industries

**RECREATIONAL VEHICLE.** A vehicle type accommodation, other than a manufactured home, designed as temporary accommodations for travel, vacation, or recreational purposes, which is propelled by its own motive power or is mounted on or drawn by another vehicle.

**RECREATIONAL VEHICLE PARK AND CAMPGROUND.** Any lot or parcel of land used or intended to be used for the accommodation of two or more recreational vehicles or non-vehicle campers for transient dwelling purposes.

**RECYCLING CENTER.** A facility at which recovered resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include motor vehicle parts, used merchant wholesalers, NAICS group 423140, which is listed as a separate use.

**RESIDENTIAL BUILDING.** A building which contains one or more dwelling units.

**RESIDENTIAL BUILDING, DUPLEX.** A residential building which contains two dwelling units and which occupies one zoning lot.

**RESIDENTIAL BUILDING, MULTI-FAMILY.** A residential building which contains three or more dwelling units. This definition includes condominiums and apartment complexes but does not include townhouses.

**RESIDENTIAL BUILDING, SINGLE-FAMILY.** A residential building which contains one dwelling unit and which occupies its own zoning lot. This term includes modular housing units.

**RESIDENTIAL BUILDING, TOWNHOUSE.** A residential building which contains three or more dwelling units where each unit occupies a separate lot of record.

**RESTAURANT (WITH DRIVE-THROUGH SERVICE).** An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**RESTAURANT (WITHOUT DRIVE-THROUGH SERVICE).** An establishment, which serves prepared food and beverages primarily to customers seated at tables or counters located within the building or designated outdoor seating areas. This includes cafes, tea rooms, and outdoor cafes.

**RETAIL, GENERAL.** An establishment primarily engaged in selling goods to the public. This definition includes only those uses in the following NAICS group(s)

- 44131 Automotive Parts and Accessories Stores (indoor sales only)
- 442 Furniture and Home Furnishings Stores
- 443 Electronics and Appliance Stores
- 44413 Hardware Stores
- 446 Health and Personal Care Stores
- 448 Clothing and Clothing Accessories Stores

- 451 Sporting Goods, Hobby, Book, and Music Stores
- 452 General Merchandise Stores
- 453 Miscellaneous Store Retailers

**RETAIL, NONSTORE.** A use that retails merchandise using nonstore methods, such as the broadcasting and publishing of direct-response advertising, direct solicitation, and electronic shopping. This definition includes only those uses in the following NAICS group(s)

- 4541 Electronic Shopping and Mail-Order Houses
- 4542 Vending Machine Operators
- 4543 Direct Selling Establishments (excluding Onsite Fuel Storage)

**RETAIL STORE, LARGE.** A single retail or wholesale use which occupies no less than 75,000 square feet of gross floor area, typically requires high parking to building area ratios and has a regional sales market. Such stores include but are not limited to membership warehouse clubs that emphasize bulk sales, discount stores, and department stores.

**RETAIL STORE, MEDIUM.** A single retail or wholesale use which occupies between 25,000 and 75,000 square feet of gross floor area, typically requires moderate parking to building area ratios and has a local sales market.

**RETAIL STORE, SMALL.** A single retail or wholesale use which occupies less than 25,000 square feet of gross floor area, typically requires low parking to building area ratios and has a local or neighborhood sales market.

**RIDING STABLES.** An establishment where horses are boarded and cared for, where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

**RIGHT-OF-WAY.** The legal right of public passage, especially vehicular, over land.

**ROOF LINE.** The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections or ornamentation.

**ROOF PITCH.** A comparison of the vertical rise to the horizontal run of a roof structure above a building.

**ROOF SIGN.** See "Sign, Roof."

**ROOMING HOUSE.** See "Boarding or Rooming House."

**ROOT PROTECTION ZONE.** Generally eighteen to twenty-four inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

**SANITARY LANDFILL.** See "Landfill, Sanitary."

**SANITARY STATION.** A facility provided for the removing and disposing of wastes from trailer holding tanks.

**SATELLITE DISH.** A type of receive-only antenna, which is dish-shaped and is used to receive satellite signals, primarily television transmissions.

**SAWMILL.** A facility where logs are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

**SCHOOL, ELEMENTARY AND SECONDARY.** A public or private school providing instruction to students in kindergarten through grade twelve.

**SCHOOL, PRIVATE.** A structure used primarily by and for any two or more age or grade levels not operated by the public school system, but registered with the North Carolina Department of Public Instruction. Any school for children age six or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

**SCHOOL, PUBLIC.** A structure used primarily by and for any two or more age or grade levels in grades kindergarten through twelve and operated by the public school system or approved by the North Carolina department of public instruction as meeting the requirements of state law. Any school for children age six or under not meeting these requirements shall be considered a day care facility for purposes of this ordinance.

**SCHOOL, VOCATIONAL OR PROFESSIONAL.** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or elementary or secondary school.

**SCREENING.** A fence, wall, hedge, landscaping, buffer area or any combination of these provided to visually shield or obscure one abutting or nearby structure or use from another.

**SENSITIVE AREA.** An area not suitable for development which includes the occupancy of animal and plant habitats that are rare and valuable due to their special role in an ecosystem, which could be disturbed by human activities and development. These areas are known to include wetlands, floodplains, and geologically hazardous sites.

**SERVICE BUILDING.** A structure housing toilet, lavatory, bathing and such other facilities as may be required by this article for the purpose of supplementing the facilities contained in dependent trailers and tents.

**SERVICE ROAD.** A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

**SERVICES A, BUSINESS.** An establishment primarily engaged in providing a service(s) to businesses and to a lesser extent, individuals. All merchandise and rental equipment is stored inside enclosed buildings. This definition includes only those uses in the following NAICS group(s):

- 5322 Consumer Goods Rental
- 5414 Specialized Design Services
- 5415 Computer Systems Design and Related Services
- 5614 Business Support Services
- 56141 Document Prep Services

**SERVICES B, BUSINESS.** An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. This definition includes only those uses in the following NAICS group(s):



5323	General Rental Centers
5418	Advertising and Related Services
5617	Services to Buildings and Dwellings
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance
8123	Dry Cleaning and Laundry Services

**SERVICES, PERSONAL.** See “*Personal Services.*”

**SERVICE STATION.** See “*Gasoline Station, Large*” or “*Gasoline Station, Neighborhood.*”

**SETBACK.** The minimum required horizontal distance between a structure and the lot line or street centerline.

**SETBACK, ESTABLISHED.** The setback established by existing structures along a block front.

**SETBACK, REQUIRED.** The setback required by this ordinance.

**SHADE TREE.** Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

**SHOOTING RANGE, INDOOR.** The use of a completely enclosed structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

**SHOOTING RANGE, OUTDOOR.** The use of land for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.

**SHOPPING CENTER.** Any single commercial structure group of structures designed to house five or more businesses on the same lot of record. A building or group of buildings with two or more uses, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. Shopping centers shall be construed to include all out-parcels, whether or not developed, and shall permit any permitted within the zoning district in which it is located except for those uses that require outdoor storage.

**SHOPPING CENTER, LARGE.** A shopping center totaling 75,000 square feet or more of gross floor area.

**SHOPPING CENTER, MEDIUM.** A shopping center containing between 25,000 and 75,000 square feet of gross floor area.

**SHOPPING CENTER, SMALL.** A shopping center totaling twenty-five thousand square feet or less of gross floor area.

**SHRUB.** A woody, branching plant of relatively low height.

**SIGHT DISTANCE TRIANGLE.** The triangular area formed by the point of intersection of two street right-of-way lines and a point located along each right-of-way line at a distance of thirty-five feet from the point of intersection.

**SIGHT EASEMENT.** See “*Easement, Sight.*”

**SIGN.** Any object, display or structure, or part thereof, which includes words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

**SIGN AREA.** The entire face of a sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure. In computing area, only one side of a double-faced sign shall be considered.

**SIGN FACE.** That part of the sign that is or can be used to attract the attention of the public for any purpose. This definition includes any frame, structural member, or other part of the sign when such is designed or used, including the use of color or lighting, to attract attention.

**SIGN HEIGHT.** The distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

**SIGN STRUCTURE.** The frame supporting a freestanding sign, wall sign, projecting sign, suspended sign, portable sign, marquee sign, or roof sign and poles or supports used to elevate or support the frame.

**SIGN, ANIMATED.** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

**SIGN, ATTENTION-GETTING DEVICES.** Inflatable characters or shapes, air puppets, statues (other than memorials or grave markers), symbols, and objects used to attract attention to a lot, building, business or activity are considered signs.

**SIGN, BANNER.** A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind.

**SIGN, BEACON.** Any sign with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zoning lot as the light source; also, any light with one (1) or more beams that rotate or move.

**SIGN, BILLBOARD.** A type of sign, generally off-site and often, but not always, consisting of a rigidly assembled sign, display, or device, that is affixed to the ground or to a building.

**SIGN, BLADE.** A flag sign which is normally taller than wide and in any shape, i.e. feather, flutter, teardrop, rectangle. Blade signs are a type of temporary sign.

**SIGN, CANOPY (AWNING).** A sign attached to or painted or printed onto a canopy or awning. See also **SIGN, MARQUEE**

**SIGN, CHANGEABLE COPY.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the remaining face or the surface of the sign.

**SIGN, COPY.** Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign face.

**SIGN, DIRECTIONAL.** An on-premises sign designed to guide vehicular and/or pedestrian traffic.

**SIGN, DIRECTORY.** A sign on which the names and locations of occupants or the use of a building or property is identified.

**SIGN, FLAG.** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

**SIGN, FLASHING.** A sign that uses an intermittent, scrolled or flashing light source or windblown, solar and/or mechanically moved reflective material to attract attention.

**SIGN, FREE-STANDING.** Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole or monument sign.

**SIGN, GROUND MOUNTED.** Any sign which extends from the ground or which has supports which place the bottom thereof less than three and one-half feet from the ground directly beneath the sign.

**SIGN, IDENTIFICATION.** A sign which indicates the name, purpose or importance of a structure, feature or place.

**SIGN, ILLUMINATED.** A sign either internally or externally illuminated. See **SIGN, LIGHTED** or **SIGN, LUMINOUS**

**SIGN, INCIDENTAL.** A sign used in conjunction with equipment or other functional elements for a use or operation. These shall include, but not be limited to drive through menu boards, signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

**SIGN, INSTRUCTIONAL.** See **SIGN, DIRECTIONAL**

**SIGN, INTERACTIVE.** An electronic or animated sign that reacts to the behavior or electronic signals of the viewer.

**SIGN, LIGHTED.** A sign illuminated only by light cast upon the sign from an external light source.

**SIGN, LUMINOUS.** A sign lighted by or exposed to artificial lighting either by lights on or in the sign.

**SIGN, MARQUEE.** Any sign attached to, in any manner, a marquee. For the purposes of this definition, a marquee is defined as a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, designed and constructed to provide protection from the weather.

**SIGN, MEMORIAL OR PLAQUE.** A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in a building's creation, cut into or attached to a building surface.

**SIGN, MONUMENT.** A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or solid structural features other than support poles where the base of the sign is on the ground or no more than 18 inches above the adjacent grade.

**SIGN, MULTI-TENANT.** See **SIGN, DIRECTORY**

**SIGN, MURAL, BUILDING WRAP, SUPER GRAPHICS.** A sign mounted painted or mounted on the side of a building.

**SIGN, OFF-PREMISES.** A sign at a location other than the premises for which the purpose of the sign is erected.

**SIGN, ON-PREMISES.** A sign on the premises for which the purpose of the sign is erected.

**SIGN, PEOPLE.** A sign held by a person or a person in a costume or decorative clothing.

**SIGN, PENNANT.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**SIGN, PERMANENT BANNER.** Any banner constructed of lightweight fabric or similar material that is permanently mounted to a building by a permanent frame, excluding flags.

**SIGN, POLE.** A detached sign erected and maintained on a free-standing frame, mast, or pole and not attached to any building but not including ground-mounted or monument signs. The bottom of such sign shall be greater than three and one-half (3-1/2) feet from the ground directly beneath the sign.

**SIGN, PORTABLE.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs attached to A- or T-frames (sidewalk signs); changeable letter signs, electronic message signs, menu and sandwich board signs; balloons and umbrellas. Portable Signs are considered to be Temporary Signs.

**SIGN, PROJECTED-IMAGE.** Any image projected onto a building, sidewalk or other surface using laser light or other projection technology.

**SIGN, PROJECTING.** Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

**SIGN, PUBLIC INTEREST.** A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

**SIGN, ROOF.** Any sign erected and constructed wholly or partially on or over the roof or parapet of a building.

**SIGN, SNIPE.** Any sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, public benches, street lights, or other objects, or placed on any public property or in the public right-of-way.

**SIGN, SUSPENDED.** A sign that is suspended from the underside of a surface and is supported by such surface.

**SIGN, TEMPORARY.** A sign that is not permanently installed in the ground or affixed to any structure or building.

**SIGN, VEHICULAR.** Signs painted on or attached (wrapped) to parked vehicles visible from the public right-of-way and located on or near the premises for which the purpose of the sign was created.

**SIGN, WALL.** Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

**SIGN, WINDOW.** Any sign, pictures, symbol, or combination thereof, placed inside a window or upon the window panes or glass and is visible from the exterior of the window. This may include an etching of the glass.

**SIGNIFICANT TREE.** Any tree other than a pine tree with a caliper of eighteen inches or more.

**SINGLE-FAMILY DWELLING.** See "*Residential Building, Single-Family.*"

**SITE PLAN.** A scaled plan showing uses and structures proposed for a parcel of land as required by this ordinance, which includes lot lines, streets, building sites and buildings, reserved open space, major landscape features (natural and manmade), and the location of proposed utility lines when applicable in addition to other features which may be required by this ordinance.

**SMALL MATURING TREES.** A tree whose height is less than thirty-five feet at maturity and meets the specifications of *American Standards for Nursery Stock* published by the American Association of Nurserymen.

**SOLAR COLLECTOR** - A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The device may be roof mounted or ground mounted as an accessory use.

**SOLAR ENERGY** - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SOLAR FARM** - A use where a series of solar collectors are placed in an area for the purpose of generating photovoltaic power from an area greater than the principal use on the site.

**SOLAR MOUNTED DEVICES** - Devices that allow the mounting of a solar collector onto a roof surface or the ground.

**SOLID WASTE.** Any hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, agricultural, and land clearing operations. This term does not include the following:

- (A) Fowl and animal fecal waste;
- (B) Solid or dissolved material in any of the following:
  - (1) Domestic sewage, and sludge generated by the treatment thereof, in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters,

- (2) Irrigation return flows; or
- (3) Wastewater discharges, and the sludge incidental thereto and generated by the treatment thereof, which are point sources subject to permits granted under section 402 of the Federal Water Pollution Control Act, as amended (33 U.S.C. Sec. 1251 et seq.) and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
- (C) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes;
- (D) Any radioactive material as defined by the North Carolina Radiation Protection Act (G.S. 104E-1 through 104E-23); or
- (E) Mining refuse covered by the North Carolina Mining Act (G.S. 74-46 through 74-68), and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290).

**SPECIMEN TREE.** A specimen tree is a tree (or group of trees) that may be considered important community assets due to their unique or noteworthy characteristics or values. A tree may be considered a specimen tree based on its size, age, rarity or special historical or ecological significance and may also meet the following criteria:

- (A) Large hardwoods (e.g., oaks, poplars, maples, etc.) and softwoods (e.g., pines sp.) in good or better condition with a DBH of twenty-four inches or greater.
- (B) Smaller understory trees (e.g., dogwoods, redbuds, sourwoods, persimmons, etc.) in good or better condition with a DBH of twelve inches or greater
- (C) Lesser-sized trees of rare species or special intrinsic value as approved by the town.

**SPOT LIGHT.** A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp.

**STEALTH TELECOMMUNICATIONS ANTENNAE.** Telecommunications antennae which are housed within a building or on a structure so that the antennae are disguised as some other permitted structure or use.

**STEALTH TOWER.** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure.

**STORAGE AND SALVAGE YARD.** The use of land for outdoor storage of machinery, construction equipment, construction supplies, used building materials, scrap metal, and similar items. This definition does not include motor vehicle storage yard, motor vehicle dismantling operations, or junkyards.

**STORAGE TANKS, ABOVE GROUND.** Storage tanks located above ground which are accessory to industries or businesses in their operations and are used to store chemicals, fuels, water, and other liquids and materials.

**STORAGE TANK, WATER.** A standpipe or elevated tank used to store a supply of water or to maintain equal pressure on a water system.

**STORY.** That part of a building or structure above ground level between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds one-third of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds one-third of the area of the roof.

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

**STREET.** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties, as well as any right-of-way which has been recorded in the office of the register of deeds of Stanly County which provides access to private properties. A right-of-way for vehicular travel.

**STREET, ARTERIAL.** A federal and/or state highway designed primarily for the movement of large volumes of vehicular traffic from one area or region to another; a thoroughfare. Also referred to as a major thoroughfare.

**STREET, COLLECTOR.** A public way designed primarily to connect minor streets with arterial streets and/or to provide direct connection between two or more arterial streets and which may be designed to carry significant volumes of vehicular traffic having neither origin nor destination on the street.

**STREET, CUL-DE-SAC.** A short minor street having one end open to traffic and the other permanently terminated by a vehicular turnaround.

**STREET, MINOR NON-RESIDENTIAL.** Those streets whose primary function is to provide direct access to commercial or industrial property.

**STREET, MINOR RESIDENTIAL.** Those streets whose primary function is to provide direct access to residential property.

**STREET, PARALLEL FRONTAGE ROAD.** A public or private street adjoining or parallel to an arterial street designed to provide access to abutting property in place of the arterial.

**STREET, PRIVATE.** An interior circulation road designed and constructed to carry vehicular traffic from public streets within or adjoining a site to parking and service areas; it is not maintained nor intended to be maintained by the public.

**STREET, PUBLIC.** A right-of-way or fee simple tract of land which has been set aside for public travel, dedicated to the public by the recording of a subdivision plat, built to public street standards, and eligible for maintenance by either the Town of Red Cross or the State of North Carolina.

**STREET, RURAL.** A street designed for and located in non-urban and non-urbanizing areas as classified by the town.

**STREET, STUB.** A non-permanent dead-end street intended to be extended in conjunction with the subdivision or development of adjacent land.

**STREET, URBAN.** A street designed for and located in urban or urbanizing areas as classified by the town.

**STREET LINE.** The outer boundary of a street right-of-way.

**STREET ORIENTATION.** See “*Building Presentation.*”

**STREET RIGHT-OF-WAY.** Street right-of-way shall mean any public right-of-way set aside for public travel which is accepted or eligible to be accepted for maintenance by the State of North Carolina or the Town of Red Cross or Davie County, if so authorized; or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Red Cross; or has otherwise been established as a public street prior to the adoption of this ordinance.

**STREET VISTA.** A view framed by buildings at the termination of the axis of a thoroughfare or large neighborhood street.

**STREET YARD.** The area of land along the front property line parallel to a right-of-way reserved for tree planting and landscaping

**STREETSCAPE.** An area within a street’s right-of-way that may contain sidewalks, street furniture, landscaping or trees, and similar features.

**STRUCTURE.** Anything constructed or erected, the use of which requires more or less permanent location of the ground or which is attached to something having more or less permanent location on the ground, but excluding metal telephone, cable television, or similar electronic cabinets. Anything constructed, installed, or portable, the use of which requires a location on a parcel of land. This includes a fixed or movable building which can be used for residential, business, commercial, agricultural, or office purposes, either temporarily or permanently. “Structure” also includes, but is not limited to, swimming pools, tennis courts, signs, cisterns, sewage treatment plants, sheds, and similar accessory construction; however, it does not include landscape features such as ornamental pools, planting boxes, sculpture, birdbaths, open terraces, at-grade bridges and walkways, at-grade slab patios, driveways, small non-permanent shelters for pets, playhouses, open stairs, recreational equipment, flagpoles, underground fallout shelters, air-conditioning compressors, pump houses, wells, mailboxes, outdoor fireplaces, burial vaults, or cemetery marker monuments.

**STRUCTURE, DETACHED.** For purposes of determining setback requirements for accessory structures, a structure, which is separated from an adjacent structure by at least three feet, as measured from any part of the structures.

**STUDIOS.** A working place or place of study for a painter, sculptor, photographer, dancer or person engaged in a similar artistic pursuit. This definition includes only those uses in the following NAICS group(s):

541430	Graphic Design Services
541921	Photography Studios, Portrait
541922	Commercial Photography
611610	Fine Arts Schools

**SUBDIVIDER.** Any person, firm, corporation, or entity who subdivides or develops any land deemed to be a subdivision as herein defined.

**SUBDIVISION.** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in



existing streets; provided, however, that the following shall not be included within this definition:

- (A) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Red Cross subdivision regulations;
- (B) The division of land into parcels greater than ten acres where no street right-of-way dedication is involved;
- (C) The public acquisition by purchase of strips of land for the widening or opening of streets or the location of public utility rights-of-way;
- (D) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of Red Cross subdivision regulations;
- (E) The division of land into plots or lots for use as a cemetery; and
- (F) Subdivisions resulting from proceedings to partition interests in lots or parcels pursuant to Chapter 46 of the North Carolina General Statutes (or any successor statute) resulting in the division of a lot or parcel into two or more lots or parcels except where the partition proceeding is brought to circumvent the provisions of this ordinance or the Town of Red Cross subdivision regulations.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, expansion, or improvement of a structure, the cost of which exceeds fifty percent of the assessed value of a structure as determined either before the expansion or improvement begins or before the damage occurred giving rise to the repair or reconstruction. "Substantial improvement" shall not include, however, any repair or improvement required to bring the structure into compliance with existing state or town code specifications necessary to insure safe habitation of the structure.

**SURVEYOR.** A person licensed to practice surveying in the State of North Carolina.

**TAXICAB STANDS.** See "Terminals, Bus or Taxi."

**TELECOMMUNICATIONS EQUIPMENT BUILDING.** The buildings in which the electronic receiving and relay equipment for a telecommunication facility is housed.

**TELECOMMUNICATION TOWERS AND FACILITIES.** A telecommunications facility consists of the equipment and structure(s) (including any accessory structures required to house transmitting or maintenance equipment) designed to support antennae used for transmitting or receiving communications and data transmissions. Towers, antennas, or similar structures installed in or attached to tops of buildings, water tanks, or similar facilities as "stealth" locations, shall be included in this definition. This definition also includes accessory buildings and related equipment required for the telecommunication facility. This definition does not include ham radio operations, radio broadcast towers, or television broadcast towers. Examples of telecommunications towers include monopoles and lattice construction steel structures. A structure either freestanding or attached to a building, principally intended to radiate or receive a source of non-ionizing electromagnetic radiation (NIER), and primary and accessory equipment related to broadcast services, cellular or digital telephone services, pagers, beepers, data, and common carriers (as regulated by the Federal Communications

Commission), including FM, AM, two-way radio, fixed point microwave, commercial, satellite, cellular and PCS communication systems. The term telecommunication tower does not include electrical or telephone transmission lines or supporting structures, antennae of amateur radio (HAM) operators, amateur club services licensed by the Federal Communications Commission, satellite dishes, and antennae less than sixty feet in height with transmitting power of two hundred fifty watts or less.

**TEMPORARY STRUCTURE.** A building placed on a lot for a specific purpose which is to be removed within a specified time period. Examples of temporary structures are monitoring stations, mobile classrooms, construction trailers and guard houses, and produce stands.

**TENANT BAY.** The exterior portion of a multi-tenant building devoted to a single tenant.

**TENT.** A collapsible shelter of canvas or other material stretched and sustained by poles and intended for human occupancy as a temporary dwelling for short periods of time.

**TENT OR TRAILER SPACE.** That portion of an individual camp site which is intended for occupancy by the tent or travel trailer.

**THE 10/70 PROVISION.** A provision of NCAC Section .0200 et. seq. that allows a local government to permit up to ten percent of its watershed jurisdiction outside of the critical area to be covered with up to seventy percent built-upon (impervious) surface.

**TERMINAL, BUS OR TAXI.** A facility for the storage, maintenance, and dispatch of buses or taxi, and associated customer ticketing and waiting areas. This definition includes only those uses in the following NAICS group(s):

485 Transit and Ground Passenger Transportation

**TERMINAL, FREIGHT.** Any facility for handling freight, with or without storage and maintenance facilities. This definition includes only those uses in the following NAICS group(s):

492 Couriers and Messengers  
48849 Other Support Activities for Road Transportation

**TESTING AND RESEARCH LABORATORY.** An establishment primarily engaged in commercial research and providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, and industrial X-ray inspection services, etc. This definition includes only those uses in the following NAICS group(s)

5417 Scientific Research and Development Services

**THEATER, DRIVE-IN.** An establishment for the outdoor viewing of motion pictures by patrons while in motor vehicles. This definition includes only those uses in the following NAICS group(s)

512132 Drive-In Motion Picture Theaters

**THEATER, INDOOR.** An establishment for the indoor viewing of motion pictures by patrons. This definition includes only those uses in the following NAICS group(s)

512131 Motion Picture Theaters (except Drive-Ins)

**THOROUGHFARE.** See "Street, Arterial."

**THOROUGHFARE PLAN.** The most recent map adopted by the town council which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

**TIRE RECAPPING SHOPS.** Establishments primarily engaged in repairing, re-treading, and rebuilding tires from natural or synthetic rubber. This definition includes only those uses in the following NAICS group(s):

326212 Tire Re-treading

**TOURIST HOME.** A dwelling where lodging only is provided for compensation for not more than fourteen and open to transients.

**TOWER, GUYED.** A type of wireless transmission tower that is supported by guy wires.

**TOWER, LATTICE.** A free standing and self-supporting structure consisting of connected sections of metal supports used to support telecommunications equipment. These towers can be either three or four-legged steel girdered structures designed typically to support multiple telecommunications users.

**TOWER, MONOPOLE.** A freestanding, slender, often telescoping, and self-supporting single pole structure that supports telecommunication equipment.

**TOWER, STEALTH.** Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. Typically, the telecommunications equipment is incorporated into the supporting structure and assumes the color, texture, and appearance of the supporting structure. Any tower which is designed to blend into the surrounding environment.

**TOWER, TELECOMMUNICATIONS.** See "Telecommunications Towers and Facilities."

**TOWNHOUSE.** See "Residential Building, Townhouse."

**TRADITIONAL NEIGHBORHOOD.** A traditional neighborhood is one that incorporates design principals that produce compact, mixed-use, pedestrian scaled communities designed to:

- (A) Promote independence of movement for the elderly and young by bringing many activities of daily living within walking distance.
- (B) Reduce traffic congestion and road construction costs by reducing number and length of car trips.
- (C) Use or allow for future use of alternative forms of transportation by organizing appropriate building densities.
- (D) Improve security of public spaces organized to stimulate informal surveillance by residents and business operators.
- (E) Enhance the sense of community and improve security through the provision of a range of housing types and workplaces in proximity to one another.

- (F) Provide accessible places for public assembly and civic engagement by identification of suitable sites for civic buildings.

**TRAILER, CAMPERS AND TRAVEL TRAILERS.** A vehicle with or without its own motive power, equipped or used for temporary living purposes and mounted on wheels or designed to be so mounted and transported. See "*Travel Trailer, Self-Contained.*"

**TRANSITIONAL SETBACK OR YARD.** That area, if any, along a thoroughfare, which lies between: a) the minimum setback or yard line for the zoning district measured from the existing street right-of-way line; and b) the minimum setback or yard line measured from the proposed right-of-way line.

**TRANSITIONAL USE.** A permitted use or structure that, by nature, level of activity, or physical scale, acts as a transition or intermediate use between two or more incompatible uses.

**TRAVEL TRAILER.** Any vehicle or structure designed to be transported and intended for human occupancy as a dwelling for short periods of time, such vehicle containing limited or no kitchen and bathroom facilities.

**TRAVEL TRAILER, SELF-CONTAINED.** A travel trailer which can operate independently of connections to sewer, water and electric systems, containing a water flushed toilet, lavatory, shower and kitchen sink, all of which are connected to water storage and sewage holding tanks located within the unit.

- (A) *Camping trailer.* A folding structure manufactured of metal, wood, canvas or other materials, mounted on wheels and designed for travel, recreation and vacation use.
- (B) *House trailer.* A vehicular, portable structure built on a wheeled chassis, designed to be towed by a self propelled vehicle, for use as a temporary dwelling for travel, recreational and vacation uses, having a body width not exceeding eight feet and a body length not exceeding thirty-two feet when equipped for road travel.
- (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) *Pickup coach.* A portable structure for use as a temporary dwelling for travel, recreation and vacation, designed to be mounted on a truck chassis for transportation and to be used for a temporary dwelling while either mounted or dismounted.

**TREE.** A large, woody plant having one or more self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

**TREE STAND.** An aggregation of trees occupying a specific area and sufficiently uniform in composition, age, arrangement, and condition to make it distinguishable from the forest or adjoining areas.

**UNDERSTORY TREE.** A species of tree which normally grows to a mature height of fifteen to thirty-five feet in height and meets the specifications of the *American Standards for Nursery Stock* published by the American Association of Nurseryman.

**UNIVERSITY, COLLEGE AND JUNIOR COLLEGE.** A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level. See "*College or University.*"

**USE, PRINCIPAL.** The primary or predominant use of any lot or parcel.

**USE, TEMPORARY.** A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

**USGS.** United States Geological Survey.

**UTILITIES.** Facilities of any agency which, under public franchise or ownership, provides the general public with electricity, gas, oil, water, sewage, electronic sign, or rail transportation. The term utility shall not be construed to include the following: corporate or general offices; storage or service buildings or yards; gas or oil processing, manufacturing or storage facilities; transmission towers; or postal facilities.

**UTILITIES, ABOVE GROUND.** Above ground facilities associated with the distribution and collection of water, sewer, electric, gas, cable TV, telephone, or internet service except that such shall not include any facility otherwise defined and regulated by this ordinance such as telecommunication towers or public works facilities.

**UTILITIES, BELOW GROUND.** Utility facilities located entirely below ground associated with the distribution and collection of water, sewer, electric, gas, cable TV, telephone, or internet service except that such shall not include any facility otherwise defined and regulated by this ordinance.

**UTILITIES SERVICE AREA.** An area which contains any surface mounted heating, ventilation, or air conditioning equipment or freestanding above ground devices, such as utility boxes, booster boxes, switch gear, transformers, water towers, pump stations, lift stations, utility substations or similar appurtenances which are part of an underground utilities system:

- (A) *Private utility service area* - an area, on private property, which contains privately owned utility structures for the exclusive service of the premises where they are installed; or,
- (B) *Public utility service area* - an area, on either private or public property, which contains utility structure owned by a utility for the service of one or more premises, but excluding utility substations.

**VARIANCE.** Relief from the requirements of this ordinance granted by the board of adjustment.

**VESTED RIGHT (ZONING).** A right established pursuant to the provisions of this ordinance to undertake and complete the development and use of property.

**VETERINARY SERVICES.** Any facility used for the purpose of giving licensed medical treatment to animals or pets and any other customarily incidental treatment of the animals, such as grooming, boarding, or selling of pet supplies. This definition includes only those uses in the following NAICS group(s):

54194	Veterinary Services
81291	Pet Care (except Veterinary) Services

**WALL, BUILDING.** The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for a maximum of fifty feet in height of a building.

**WALL SIGN.** Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs. See "Sign, Wall."

**WAREHOUSING.** Establishments primarily engaged in the warehousing and storage of general merchandise, refrigerated goods, and farm products. This definition includes only those uses in the following NAICS group(s)

4931                    Warehousing and Storage

**WAREHOUSING, SELF STORAGE.** Establishments primarily engaged in the rental or leasing of mini-warehouses and self-storage units. This definition includes only those uses in the following NAICS group(s)

531130                    Lessors of Mini Warehouses and Self-Storage Units

**WASTE INCINERATOR.** A site with one or more facilities that use thermal combustion processes to destroy or alter the character or composition of waste products, not including hazardous waste management facilities.

**WASTE TRANSFER STATION.** A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

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

**WATER SUPPLY WATERSHED.** An area from which water drains to a point of impoundment, and the water is then used principally as a source for a public water supply.

**WATERING STATION.** A facility for providing potable water for the re-supply of water storage tanks.

(A) *Site requirements and specifications for campgrounds generally.*

All campgrounds shall conform to the following requirements and specifications:

(1) *Size of campground.*

Every campground shall be located on a tract of land not less than five acres in size.

(2) *Size of campsites.*

Every campsite shall consist of a minimum of 2,500 square feet, having a minimum width of forty feet. Each campsite shall be clearly established on the ground by permanent monuments or markers.

(3) *Number of trailers per camp site.*

No more than one travel trailer may be parked on any campsite.

(4) *Recreation area.*

In all campgrounds, there shall be at least one developed recreation area, which shall be easily accessible from all campsites. The gross amount of such recreation areas shall be not less than seven percent of the gross site area. Any individual area shall be not less than 2,500 square feet in size. Plans for recreation area development shall be approved by the planning board and may include such facilities as picnic, playground, ball field, or beach areas.

(5) *Access to streets generally.*

All campgrounds shall be provided with safe and convenient vehicular access from abutting public streets or roads to each camp site. Surfacing and maintenance shall provide a smooth, hard and dense surface (asphalt or similar surfacing material) and shall be free of dust and well drained, with at least a sixteen foot continuous width of right-of-way exclusive of parking areas, drainage ditches or other structures.

(6) *Camp sites generally.*

Each camp site shall have a space for one tent or travel trailer and a parking space for at least two cars (ten foot by twenty foot per parking space).

(7) *Camp site location.*

All camp sites shall be located at least forty feet from any campground boundary line and at least sixty feet from a street or highway right-of-way, or any boundary of a residential dwelling district. Each tent or trailer space shall be set back at least twenty feet from any private road in the campground.

(8) *Camp stores.*

For the convenience and use of campground residents only, the campground may provide and operate a camp store. The camp store may include laundry facilities, concessions, video and pinball machines, groceries, produce, and camping equipment. Adequate parking must be provided.

(9) *Buffer Strip.*

A landscape buffer that meets the requirements of section 6-2 shall be provided along all campground boundaries unless exempted by the town planning board.

(B) Utilities generally; water supply; sewage disposal and sanitary facilities; garbage disposal.

(1) In every campground, all installations, other than those within the trailer proper, of plumbing and electrical wiring and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating and gas regulations of the applicable Town ordinances and other applicable regulations.

(2) Each campground shall obtain water from a source approved by a county health officer or appropriate state official. The supply shall be adequate to meet a demand of 100 gallons per campsite per day. The drinking, cooking, laundry, bath

and general water supply for each campsite shall be obtained only from faucets or other plumbing fixtures connected directly to the water supply system. Such faucets or water supply fixtures may be either located by each campsite or at centralized watering stations.

- (3) Each campground shall be provided with an adequate sewage disposal system, by connection to a public sewage system, package treatment plant or other system approved by the county health department or appropriate state official. All sewage wastes from each campground, whether from individual trailers or camp sites or centralized facilities, including wastes from toilets, showers, bathtubs, lavatories, wash basins, and sinks, shall be piped into the campground sewage disposal system.

If individual connections for sewage disposal are provided at the campsite, such connections shall be sealed at any time when not connected to a trailer. Trailers having limited bathroom or kitchen facilities, but lacking sewage storage facilities shall be required to connect to such individual sewage connections.

- (4) At least one central sanitary station shall be provided at each campground for removing and disposing of wastes from waste holding tanks of self-contained trailers. The sanitary station shall be of a type approved by the county health department and shall be connected to the campground sewage disposal system. Sanitary stations shall be separated from any camp site by a distance of at least fifty feet.
- (5) Campgrounds which provide sites for tents and dependent trailers shall provide the following toilet and bathing facilities in centralized service buildings. Such service buildings shall be conveniently located within 300 feet of the spaces to be served.

Number of Camp Sites	Urinals	Toilets		Lavatories		Showers	
	Men	Men	Women	Men	Women	Men	Women
1 – 25	1	1	1	1	1	1	1
26 – 50	1	2	2	2	2	2	2
51 – 100	2	2	3	3	3	3	3

For campgrounds having more than 100 camp sites, there shall be provided one additional toilet, lavatory and shower for each sex per each additional fifty camp sites, and one additional men’s urinal per each additional fifty camp sites.

- (6) All garbage and refuse in every campground shall be stored in suitable watertight and flytight trash receptacles. It shall be the duty of the campsite operator to personally make certain that all garbage and refuse are regularly disposed of in a sanitary manner.
- (7) The planning board shall review all plans for campgrounds for compliance with this section and shall issue all campground permits. In addition to a written statement that all of the above criteria will be met, the owner must provide a site development plan showing all intended site improvements and numbered camp site locations.

**WATERSHED.** An area in which natural ridgelines form the outer perimeter of a basin which diverts rainfall and natural drainage into streams or rivers which in turn drain to lower elevations. When such watershed contains Class I and II reservoirs, then such area is



regulated by the *Rules and Regulations for the Protection of Public Water Supplies* as adopted by the North Carolina State Board of Health. The entire land area contributing surface drainage into a specific stream, creek, lake or other body of water.

**WATERSHED BUFFER.** A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized, and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

**WATERSHED CRITICAL AREA.** The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run of the river), or the ridge line of the watershed (whichever comes first).

**WATERSHED PROTECTED AREA.** The area adjoining and upstream of the critical areas and encompassing the remainder of the watershed where risk of water quality degradation from pollution is less than in the critical area.

**WHOLESALE TRADE A.** An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or for professional business uses; or to other wholesalers. Merchandise is stored inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots and breaking bulk lots for redistribution in smaller lots are conducted inside enclosed buildings in such a way as to have a minimal impact on surrounding properties. Operations with over twenty-five percent of sales to retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS group(s):

4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers
4232	Furniture and Home Furnishing Merchant Wholesalers
4233	Lumber and Other Construction Materials Merchant Wholesalers
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers
4236	Electrical and Electronic Goods Merchant Wholesalers
4237	Hardware and Plumbing and Heating Equipment and Supplies Merchant Wholesalers
4239	Miscellaneous Durable Goods Merchant Wholesalers
4241	Paper and Paper Products Merchant Wholesalers
4242	Drugs and Druggists' Sundries Merchant Wholesalers
4243	Apparel, Piece Goods, and Notions Merchant Wholesalers
4244	Grocery and Related Product Merchant Wholesalers
4248	Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers
4249	Miscellaneous Non-durable Goods Merchant Wholesalers (except 424910 Farm Supplies Merchant Wholesalers)

**WHOLESALE TRADE B.** An establishment primarily engaged in selling durable and non-durable goods to retailers; to industrial, commercial, institutional, farm, construction contractors; or to professional business uses; or to other wholesalers. Merchandise may be stored outside or inside enclosed buildings. Activities including physically assembling, sorting, and grading goods in large lots, and breaking bulk lots for redistribution in smaller lots may be conducted outside enclosed buildings. Operations with over twenty-five percent of sales to

retail customers require the appropriate retail zoning district. This definition includes only those uses in the following NAICS group(s):

4211	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers (except 42314 Motor Vehicle Parts (Used) Merchant Wholesalers)
4215	Metal and Mineral (excluding Petroleum) Merchant Wholesalers
4218	Machinery, Equipment and Supplies Merchant Wholesalers
4225	Farm Product Raw Material Merchant Wholesalers
4226	Chemical and Allied Products Merchant Wholesalers
422910	Farm Supplies Merchant Wholesalers

**WORKING DAY.** Any day on which the offices of the Town of Red Cross are officially open, not including Saturdays, Sundays, and other holidays designated by the town council

**YARD.** A space on the same lot with a principal building open, unoccupied and unobstructed by buildings or structures from ground to sky where encroachments and accessory buildings are expressly permitted. Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

**YARD, FRONT.** An open unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way line and the front line of the building, projected to the side lines of the lot. The yard extending across the full width of the lot and lying between the front lot line and the front setback line as required in this ordinance.

**YARD, INTERIOR SIDE.** The yard extending along the length of the lot between the required front yard and the required rear yard, and between the side lot line and the side building setback line, as required in this ordinance, provided that the side lot line is not adjacent to a public street right-of-way.

**YARD, REAR.** An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot. The yard extending across the full width of the lot and lying between the rear lot line and the rear building setback line as required in this ordinance.

**YARD, SIDE.** An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot and extending from the rear line of the front yard to the front line of the rear yard.

**DIVISION III DEFINITIONS; ADOPTION**

**ARTICLE III-1 Definitions**

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context; words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The words "used for" shall include the meaning "designed for."

Words not listed in this Chapter shall be defined by reference to:

1. The latest edition of the State of North Carolina Building Code or, if not defined therein;
2. The latest edition of Webster's ~~New International Dictionary, unabridged,~~ which documents are hereby incorporated by reference as if set forth in their entirety herein.

**ARTICLE III-1.1 General Definitions**

Accessory Use or Accessory Building (Nonresidential). A subordinate non residential use or building customarily incidental to and located on the same lot with the main use or building. Outdoor dining utilizing sidewalk space, including sidewalk and parking areas in the public right-of-way as permitted, is also an accessory use to a restaurant and/or a wine beer, or distilled beverage bottling and production business.

Accessory Use or Accessory Building (Residential). A noncommercial use or building customarily incidental and subordinate to but located on the same lot with the main residential use or building such as a private garage or carport, family garden, personal storage building, or workshop, all of which are totally for personal use.

Apartment. A room or suite of rooms in an multiunit residential building, generally rented by the occupant, which provides complete independent living

facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation in each separate unit.

Bed and Breakfast. A dwelling in which lodging available for rent to the public, with or without meals, is provided for overnight guests for a fee.

Bona Fide Farm. Bona Fide farm purposes include the production of and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agricultural products having a domestic or foreign market.

Building. See "structure."

Building Height. The vertical distance measured from the average elevation of the finished grade to the topmost section of the roof.

Building, Main. The principal structure in which the primary use of the property is undertaken.

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Building Occupancy. See "Use".

Building setback line. See "Setback".

Common Open Space. The open space land held in common ownership by property or unit owners in a development, normally provided for in the declaration or restrictive covenants and normally in common use.

Conditional Use. A use of land permitted in a Conditional Use District upon approval by the Board of Commissioners as part of the Conditional Use rezoning process, or a use of land permitted by a Conditional Use Permit authorized by the Board of Adjustment pursuant to Section I-5.7.

Condominium. Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions.

Congregate Care Facility. A facility providing shelter and services for ambulatory individuals at least fiftyfive (55) years of age that by reason of age, functional impairment, or infirmity may require meals, housekeeping, and personal care

assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

Day Care Center. A facility providing care for six (6) or more nonhandicapped children, more than four (4) hours per day, for payment of a fee, but without transfer or assignment of custody.

Development Permit. A permit issued by the Town conferring the right to undertake and complete the development of and use of property.

Development Permit with Vested Rights. A permit authorized by the Board of Adjustment concerning the right to undertake and complete the development of and use of property under the terms and conditions of an approved site-specific development plan.

Dwelling, Singlefamily (Conventional or Modular). A detached building constructed onsite or in industrialized modules in compliance with the North Carolina State Building Code and designed for or occupied exclusively by one family.

Dwelling, Singlefamily attached. A singlefamily dwelling that except for corner units is connected

Dwelling, two families. A detached residential building arranged or designed to be occupied by two (2) families living independent of each other.

Dwelling, multifamily. A detached building constructed onsite in compliance with the North Carolina State Building Code and designed for three (3) or more dwelling units.

Dwelling Unit. An enclosure of one or more rooms providing complete independent living facilities for one family, including permanent facilities for living, sleeping, eating, cooking and sanitation within the separate enclosure.

Family. Any number of persons related by blood, adoption, or marriage or no more than four (4) persons not related by blood, adoption or marriage, living together as a single housekeeping unit sharing the same domestic facilities. It does not include congregate residential care facilities; family care and group care facilities; foster homes for children; homes for the aged and infirmed; family care homes for the aged and infirmed; day care facilities; day care centers; and family day care homes; shelter homes for children and/or families including foster shelter

homes and group shelter homes; adult day care centers; day nurseries; preschool centers; hospitals; nursing homes; sanitariums; and dormitories, fraternal organizations, or other organized social or institutional residential situations.

Family Day Care Home. A building used as a residence for a family which is also used to provide day care services on a temporary basis without transfer of custody for three (3) to five (5) unrelated children, for a fee. (The keeping of 1-2 children does not require a permit.)

Family Care Home. A home with support and supervisory personnel which provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons.

Family Members, Direct. Direct lineal descendants (children, grandchildren, and great grandchildren) and direct lineal ascendants (father, mother, grandfather, and grandmother); and brothers, sisters, nieces, and nephews.

Food Truck. A licensed, motorized vehicle or mobile food unit which is temporarily stored in a location where food items are sold to the general public.

Food Truck Vendor. A merchant operating out of a licensed, motorized vehicle or mobile food unit which is temporarily stored in a location where food items are sold to the general public.

Frontage. The property abutting on one side of a street measured along the street rightofway line.

Gross Floor Area. The total area of any buildings in the projects, including the basements, mezzanines, and upper floors, exclusive of stairways and elevator shafts. It excludes separate service facilities outside the store such as boiler rooms and maintenance shops.

Group Care Facility. A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home" as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment.

Group Residential Development. A development where more than one principal residential building is permitted on a lot or any development where there are three

(3) or more dwelling units in a building including attached dwelling units in conformance with the provisions of SR.2.

Handicapped Person. A person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but does not include mentally ill persons who are dangerous to others as defined in section 122C-3(11)b of the General Statutes of North Carolina, or any amendment thereto.

Home Occupation, Customary. An occupation conducted incidental to the use of property as a dwelling unit, which does not adversely impact or change the residential character of the neighborhood. The incidental use of any dwelling by the occupant (s) for the purpose of receiving or transmitting messages by mail, record or bookkeeping, filing, address listing for applicable privilege license or tax identification and other similar activities which do not involve the onsite sale, delivery, distribution, reception, storage or manufacture of goods, products, or services shall not constitute a home occupation for the purpose of regulation under this ordinance.

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Hotel or Motel. A building which provides sleeping accommodations in six (6) or more rooms, commonly available for pay on a daily basis to transient or permanent guests.

Junk Yard. A lot or group of contiguous lots where more than six hundred (600) square feet of area is used for the dismantling or the storage of wrecked or used automobiles or the storage, sale, or dumping of dismantled or wrecked cars or their parts, or for storage of appliances, machinery and other salvage goods.

Kennel. An establishment wherein any person engages in business or practice, for fee, of boarding, breeding, grooming, letting for hire, or training of more than three (3) domesticated animals at any one (1) time; or an establishment wherein any person engages in the business or practice, for a fee, of selling more than one (1) litter of domesticated animals at any one (1) or the selling of any three (3) individual domesticated animals (not defined as litter herein) at any one (1) time. Domesticated animals, for the purpose of this ordinance, shall be defined as dogs, cats, and other generally acceptable household pets. Litter, for the purpose of this ordinance, shall be defined as the progeny resulting from the breeding of two (2) domesticated animals. The following shall not constitute the operation of a kennel as defined above and in no way shall this provision regulate the following:

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- (a) The ownership of domesticated animals as household pets;
- (b) The ownership of domesticated animals for hunting or tracking purposes;
- (c) The ownership of domesticated animals for the purpose of exhibiting at shows, obedience or field trials; and
- (d) The ownership of domesticated animals for the purpose of protection or guarding of residences or commercial establishments.

Landowner. Any owner of a legal or equitable interest in real property, including the heirs, devise, successors, assigns, and personal representative of such owner. The owner may allow a person holding a valid option to purchase, to act as his agent or representative for purposes of submitting a proposed site-specific development plan in the manner allowed by this Ordinance.

Lot. A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat (but not tax maps) and which is recognized as a separate tract for purposes of transfer of title or lease of greater than three (3) years.

Lot, corner. A lot adjacent to or abutting on two (2) streets at their intersection.

Lot front. On a corner lot, the front is the frontage with the least dimension at the street. Where the dimensions are equal the front shall be designated by the owner.

Lot, interior. Any lot other than a corner lot.

Lot lines. The line forming the perimeter or boundary of the lot.

Lot, through. An interior lot having frontage on two (2) streets. Also called a double frontage lot.

Lot width. The distance from side lot line to side lot line measured at the required minimum front yard setback parallel to the front property line. For lots with a radial side line(s), lot width may be measured at a front yard setback greater than the minimum required front yard setback. In such case the point where the minimum lot width is measured shall become the front yard setback for that lot.

Lot of Record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the register of deeds, or a lot which is described by metes



and bounds, the description of which has been so recorded, prior to the effective date of this Ordinance.

Manufacturing. The processing of raw products and materials into items for sale.

Mobile Home. A dwelling unit that (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty (40) feet in length and eight (8) feet in width.

Mobile Home, Class "A". A multisectional mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. A "double-wide".

Mobile Home, Class "B". A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. A "single-wide".

Mobile Home, Class "C". A mobile home which does not meet the Class "A" or Class "B" definitions.

Mobile Home Park. A lot(s) or tract(s) of land used or intended to be used, leased, or rented for occupancy by mobile homes in conformity with the mobile home park provision of this Ordinance.

Mobile Home Park, Nonconforming. A lot(s) or tract(s) of one (1) and for two (2) or more mobile homes sharing common ownership and/or facilities and which do not qualify as individual mobile homes on individual lots and which park is not in conformance with all the requirements for the initial establishment for a mobile home park as defined above.

Modular Home; Building. Any building or structure which was pre-manufactured, all or in part, at some point other than the building site for assembly or installation later at the building site and which complies with the State of North Carolina Building Code. Further defined, such building may be assembled from pre-manufactured rooms, wall panels, frame units, or other factory manufactured parts, which may be fabricated of wood, concrete, metal, or other materials, and

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anchored on a permanent foundation or foundation material at the building site. This definition does not include mobile homes as defined in this Ordinance.

Net Residential Area (net land). That portion of a development or project site designated for residential lots and related common open space areas excluding dedicated public rightsofway.

Nonconforming Use. Any use which legally existed on the effective date of this Ordinance, and which does not conform with each regulation of the zoning district in which it is located, including any nonconforming use legally recognized under a prior zoning ordinance.

Open Space. Any land area not occupied by buildings, structures, storage areas, open or enclosed balconies, patios, porches or decks, excluding, however, any land encroaching or located within a rightofway or easement. Open area in any required setback or land used for sidewalks, landscaping and grassing shall be considered open space.

Parking Lot. An area or tract or ~~partial tract~~ of land used for the storage or parking of vehicles.

Parking Space Deck. A temporary structure placed within the public right-of-way, generally existing parking spaces, for the purpose of being a part of and expanding the available area for a sidewalk café.

Planned Unit Development. A tract(s) of land under single corporation, firm, partnership, or association ownership, or otherwise under unified ownership or control, planned, and developed as integral unit in a single development scheme or a well defined series of development operations in accordance with an approved site plan.

Property. Means all property subject to zoning regulations and restrictions and zone boundaries within the zoning jurisdiction of the Town.

Public Sewage Disposal System. An approved sewage disposal system serving ten (10) or more connections, including municipal and sanitary district sewerage systems as well as "package" plants constructed in a location and to specifications approved by the County Sanitarian in consultation with the NC Division of Health Services.

Public Water Supply System. An approved water supply system serving ten (10) or more connections, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the County Sanitarian in consultation with the NC Division of Health Services.

Pushcart. A rolling, non-motorized, and open-air pushcart.

Pushcart Vendor. A merchant that is substantially operating out of a rolling, non-motorized, and open-air pushcart.

Recreation or Travel Trailer. A vehicular, portable, structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified as a travel trailer by the manufacturer of the unit. Includes motor home, recreational vehicle, etc.

Residential Care Facility. A building or facility used primarily to provide residential, social, and personal care for children, the aged or others who suffer some limit on the ability for selfcare, but where medical care is not a major service. It includes such uses as adult day care facilities, home for the aged and other like uses, which are not otherwise specifically defined.

Residential Group Development. A residential development of more than four units in an individual building and any residential development with more than one residential building on a lot or plat.

Screen. A devise such as a fence or planting area used to visually separate property.

Service Station. A lot or building where gasoline, oil, grease, and automobile accessories are supplied and dispensed to the motor vehicle trade, or where battery, tire, and other similar repair services are rendered.

Setback. The horizontal distance from the property line or street rightofway line to the nearest part of the applicable building, structure, sign, or use, measured perpendicularly to the line.

Sidewalk Café Any group of tables, chairs, benches, barriers or partitions, trash containers and suitable decorative devices maintained upon any part of the public right of-way for use by an establishment in the sale to the public of

food refreshments, and beverages of all kinds

Site Specific Development Plan. A plan which has been submitted to the Town by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property.

Sludge. Any solid, semisolid, or liquid waste generated from residential wastewater treatment plant.

Solar Energy Facility A solar photovoltaic facility/grouping of solar photovoltaic equipment whose primary purpose is to generate power to sell for commercial gain and is primarily sold to energy companies rather than end users. Private solar facilities primarily for individual residential use are not included under this definition. This definition does also include a wind energy facility/grouping of wind energy equipment whose primary purpose is to generate power to sell for commercial gain and is primarily sold to energy companies rather than end users.

Stacking Space. A space to store an automobile offstreet while waiting in line for a drivethrough service such as an automatic teller service, drive through restaurant, etc.

Street, Private. A vehicular travel way not dedicated as a public street or a dedicated but unaccepted vehicular travel way.

Street, Public. A public rightofway for vehicular travel which has been constructed and then dedicated to and accepted by a municipality or the North Carolina Department of Transportation for public use or which has been otherwise obtained by such agencies for such use or which is proposed to be constructed and then dedicated to and accepted by such agencies as a public rightofway for vehicular traffic for public use.

Structure. Anything constructed or erected which requires location on the ground or attached to something having location on the ground

Structural Alterations. Any change, except for the repair or replacement, in the supporting members of a building such as load bearing walls, columns, beams, or girders.

Swine Farm. A tract of land devoted to raising animals of the porcine species served by or requiring animal waste systems having a design capacity of 600,000 pounds steady live weight or greater.

Townhouse. A singlefamily dwelling unit constructed in a series or group of attached units with property lines separating each such unit.

Transmission Tower. A structure, either freestanding, supported by guywires, or attached to a building, and accessory equipment related to broadcast services, private radio services, including AM, FM, twoway radio, television, and cable antenna television transmission, microwave transmission and facilities such as satellite dish receiving centers. This definition does not include electrical transmission distribution poles, towers, and line, personal satellite dishes, or structures not more than 35' in height.

Travel Trailer Parking Area. A parcel of land in which two (2) or more spaces are designed, occupied or intended for occupancy by trailers for transient dwelling purposes.

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Upper Floor Exclusive. Residential dwelling unit(s) located above a ground floor that contains or is intended for non residential uses.

Use. The primary purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Vested Right or Zoning Vested Right. The right to undertake and complete the development and use of the property under the terms and conditions of an approved site-specific development plan.

Wireless Telecommunication Tower. A tower supporting licensed or unlicensed wireless telecommunication facilities including cellular, digital cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), commercial or private paging services, or similar services marketed or provided to the general public. This definition does not include services by noncommercial entities in the Amateur Radio Service, Public Safety Radio Service, or licenses assigned to nonprofit organizations, such as the Red Cross, Civil Air Patrol, Military Affiliated Radio Service (MARS) that are licensed by the Federal Communications Commission.

Yard. An open space located on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees, shrubbery or as otherwise provided herein. A yard is the area created by a setback.

Yard, Front. A yard extending across the full width of the lot and extending from the closest front wall of the building to the property line or established edge of a rightofway, whichever is closer.

Yard, Rear. A yard extending across the full width of the lot and extending from the closest rear wall of the main building to the rear of the property.

Yard, Side. A yard which extends from the closest side wall of a building to the nearest side property line or the established edge of the street rightofway, whichever is closer, if the lot is a corner lot.

Zoning Administrator. An employee or agent of the Town who is assigned primary responsibility for the administration and enforcement of the Zoning Ordinance.

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### **ARTICLE III-1.2            Definitions Relating to Adult Oriented Businesses**

Adult Oriented Business. An adult arcade, adult bookstore, or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center (including adult massage parlor and adult health club), sexually oriented device business or any combination of the foregoing or any similar business where the preponderance of operations involve activities defined herein. As used in this Ordinance the following definitions shall apply:

Adult Arcade (also known as "peep show"). Any place to which the public is permitted or invited wherein coinoperated or slugoperated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other imageproducing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Bookstore or Adult Video Store. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".

Adult Cabaret. A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes:

1. persons who appear nude or semi-nude; or
2. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Motel. A hotel, motel, or similar commercial establishment that:

1. offers accommodations to the public for any form of consideration which provides patrons with closedcircuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes; or
2. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
3. allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater. A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits or displays, as one of its principal business purposes, persons who appear in a state of nudity or seminude, or live performances that expose or depict "specified anatomical areas" or "specified sexual activities".

Escort. A person who, for any tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort Agency. A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.

Nude Model Studio. Any place where a person who appears nude or seminude, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

1. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing; and
2. where in order to participate in a class a student must enroll at least three days in advance of the class; and



3. where no more than one nude or seminude model is on the premises at any on time.

Nude or A State of Nudity.

1. the appearance of a human anus, male genitals, or female genitals; or
2. a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.

Seminude. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Encounter Center. A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling (including sexually oriented massaging) between persons of the opposite sex, or similar activities between male and female persons and/or between persons of the same sex when one or more of the persons is in a state of nudity or seminude.

Sexually Oriented Devices. Any artificial or simulated specified anatomical area or other device or paraphernalia that is designed principally for specified sexual activities but shall not mean any contraceptive device.

Specified Anatomical Areas. Human genitals in a state of sexual arousal.

Specified Sexual Activities. Is and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or females breasts; or
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral, copulation, or sodomy; or
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above

### III-1.3. Definitions Related to Signs

Awning. A shelter projecting from and supported by the exterior wall of a building constructed of nonrigid materials on a supporting framework.

Canopy. A permanent structure other than an awning made of cloth, metal, or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

Changeable Copy. Copy that is or can be changed manually in the field or through mechanical or electronic means, e.g. reader boards with changeable letters.

Erect. To assemble, build, construct, raise, install, attach, hang, place, suspend, affix, post, create, paint, draw, apply, or in any other way bring into being or establish.

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Facing or Surface. The surface of a sign upon, against, or through which the message is displayed or illuminated on the sign.

Frontage, Lot. The length of that part of a lot that fronts a public street.

Grade. The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to a freestanding sign.

Interstate Highway System. That portion of the national system of interstate and defense highways located within the State as officially designated or as may hereafter be so designated by the Board of Transportation or other appropriate authorities and are also so designated by interstate numbers.

Logo. A business trademark or symbol.

Lot. A parcel of land, the boundaries of which are established by some legal instrument such as a deed or a recorded plat and which is recognized as a separate tract for purposes of transfer of title.

Marquee. A permanent rooflike structure other than a roof attached to, supported by, and projecting from a building, providing protection from natural elements over the ground, sidewalk, or walkway.

Parapet. The portion of a building wall or false front that extends above the roof.

Person. Any natural person, firm, partnership, corporation, company, organization, association, trust, or individual or any other group or combination of individuals operating as a unit and including any trustee, receiver, assignee, or other similar representative thereof.

Premises. A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction, or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained, or takes place.

Setback. The shortest horizontal distance from the property line or rightofway to the nearest point (leading edge) of a sign or its supporting member.

Sign. Any object, placard, device, display or structure, or part thereof, made of any material, except live vegetation, including any surface, fabric, or other background material which is designed, constructed, and/or used for the purpose of relaying information from a fixed or mobile position to visually inform, advertise, identify, display, promote, direct or attract the attention of general or privileged persons to an object, person, institution, organization, corporation, business, profession, commodity, product, service, event or location by any means including, but not limited to, words, letters, phrases, sentences, emblems, trademarks, tradenames, insignias, numerals, figures, devices, designs, symbols, pictures, logos, fixtures, colors, illumination or projected images or any other attention directing device, displayed by means of paint, bills, posters, panels, or other devices erected on an open framework, or attached or otherwise applied to stakes, poles, trees, buildings or other structures or supports. The term sign shall include the terms advertisement, announcement, insignia, billboard, bill, billet, badge, display, brand, emblem, flyer, label, message board, poster, shingle, symbol, title and trademark. The term sign shall not include the terms television, telegraph, radio, signal or transmission. If the message is

removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

Sign, Advertising. See Sign, Billboard.

Sign, Awning. A sign placed directly on the surface of an awning. For purposes of this Ordinance an awning sign for measuring purposes will be considered a wall sign.

Sign, Billboard. A permanent, usually freestanding, offpremise sign that is affixed to the ground or to a building, owned by a person, corporation, or other entity that engages in the business of selling or leasing the advertising space on that sign and which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which such sign is located. Such signs commonly referred to as "outdoor advertising signs" are generally designed so that the copy or posters on the sign can be changed frequently.

Sign, Business. A permanent, onpremise sign that is affixed to the ground or to a building which directs attention to a service, commodity, goods, or entertainment sold or offered on the premises on which such sign is located.

Sign, Campaign or Election. A sign that advertises a candidate or issue to be voted upon on a definite election day.

Sign, Canopy. A sign attached to or painted onto or forms a part of a canopy. For the purposes of this Ordinance a canopy sign for measuring purposes will be considered a wall sign.

Sign, Changeable Copy. A sign message center or readerboard that is designed so that its informational content or copy can be changed or altered by manual, electrical, electromechanical, or electronic means. A changeable copy sign shall be counted as a sign face.

Sign Clearance. The smallest vertical distance between the grade of the adjacent street, and the lowest point of any sign, including framework and embellishment, extending over that grade.

Sign, Conforming. A sign, which is in compliance with all the provisions of this Ordinance.

Sign, Construction. A sign placed at a construction site giving the name or names of building owners or developers, architects, engineers, and/or lending institutions and principal contractors, subcontractors and material suppliers participating in construction on the site where the sign is placed, together with other appropriate information included thereon.

Sign Copy. Alphabetic, pictorial, numerical, and/or graphic display of permanent or removable words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area for advertising and/or informational purposes.

Sign Copy Area. Area measured by the smallest circle, square, or rectangle which will encompass all elements of informational or representational matter including all cut outs or extensions together with any materials or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. The term sign copy area shall also include the terms display area, surface area, and the word area as it relates to signage. The term sign copy area shall not be construed to include architectural trim, frames, and structural supports that do not bear any sign copy. In computing area, only one (1) side of a doublefaced sign shall be considered. The maximum angle of a doublefaced sign shall be 45 degrees, except for signs located at corners in which case the maximum angle may be 90 degrees. This refers to the distance between sign faces on a single structure.

Sign, Discontinued. Any conforming or legal nonconforming sign, other than a billboard sign, which no longer identifies or advertises a bona fide business, service, product, or activity, and/or for which no legal owner can be found which has been discontinued for a period of 120 days or more regardless of reason or intent, or a temporary sign for which the permit has expired. This is not intended to apply to seasonal type businesses which annually operate "in season." However, failure to operate any such seasonal business for a minimum of 190 consecutive days in a calendar year will deem these signs to have been discontinued.

Sign, Doublefaced. A sign designed to be seen from two (2) opposite directions shall be considered as one (1) sign, provided that the two (2) sign

faces shall be supported on the same pole(s) or other structure, are at the same elevation and form an angle of fortyfive (45) degrees or less on an interior lot or ninety (90) degrees or less on a corner lot.

Sign Face. The part of a sign that is or can be used to identify, advertise or communicate information, or is used for visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color, or internal illumination used that differentiates that sign from the building, structure, backdrop, surface, or object upon which or against which it is placed. The sign structure shall not be included as a portion of the sign face provided that no identifying/advertising message, symbol or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure, whether structurally necessary or not.

Sign, Flashing. Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or an externally mounted intermittent light source. Automatic changing signs such as public service time, temperature and date signs or electronically controlled message centers are classified as changeable copy signs, not flashing signs.

Sign, Freestanding. A sign which is permanently affixed to and supported by structures or supports such as poles, masts, or frames which are placed upon or anchored in the ground and which structures or supports are independent from any building or other structure. For the purposes of this Ordinance a freestanding sign shall be only those signs meeting the definition given above and which are located on the same premises for which its' message is carried. Pole, ground, and billboard signs are examples of freestanding signs.

Sign, Government. Any temporary or permanent sign, symbol, or device erected and maintained for any Federal, State, County, or Municipal governmental purposes including, but not limited to, legal notices, identification and informational signs, and traffic warning, directional or regulatory signs.

Sign, Ground. A freestanding sign with a base which either appears to rest on the ground or which has a support(s) which places the base and portion

of the sign copy area thereof less than ten (10) feet from the ground. A monument sign is a ground sign.

Sign Height. The vertical distance measured from the highest point of the sign, including decorative embellishments, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

Sign Identification. Means either or both of the following:

1. A sign used to display only the name, address, crest, or trademark of the business, individual, family, organization or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.
2. A permanent sign announcing the name of a subdivision, tourist home, group housing project, church, school, college, park or other public or quasi-public structure, facility or development and the name of the owners or developer but bearing information pertaining only to the premises on which such sign is located and carrying no advertising message.

Sign, Illegal. A sign which does not meet the requirements of this Ordinance and which has not received legal nonconforming status.

Sign, Incidental. A small sign, emblem, or decal informing the public of goods, facilities or services available on the premises, e.g., a credit card sign or a sign indicating hours of business.

Sign, Illuminated. A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Sign, Internally or Directly Illuminated. A sign where the source of the illumination is inside the sign and light emanates through the message of the sign through transparent or translucent materials rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electric current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts

of the sign that contain the message, shall also be considered internally or directly illuminated signs.

Sign, Indirectly or Externally Illuminated. A sign designed to have illumination from a detached light source, shielded so that no direct rays from the light source are visible elsewhere than on the lot where said illumination occurs. The term Sign, Indirectly or Externally Illuminated, includes backlighted.

Sign, Informational or Instructional. An onpremises sign designed to guide vehicular and or pedestrian traffic and give other instruction or direction to the public but not including any advertising message. The name or logo of the business or use about which the sign is giving direction may also be included on the sign, provided such name or logo does not comprise more than ten percent (10%) of the copy area. Such signs include, but are not limited to, the following: the identification of rest rooms, public telephones, walkways, entrance and exit drives, parking, handicapped access, freight entrances, and traffic direction.

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Sign Maintenance. For the purposes of this Ordinance, the cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Sign, Marquee. A sign affixed, superimposed, or painted on a marquee identifying the name of an establishment, type of product sold, manufactured or assembled, and/or service or entertainment offered on the premises where such a sign is displayed. For purposes of this Ordinance a marquee sign for measuring purposes will be considered a wall sign.

Sign, Memorial. A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.

Sign, Motion. A sign or device designed to attract attention, all or any part of which uses movement or apparent movement by fluttering, revolving, rotating, spinning, swinging, animation or moving in some other manner and is set in motion by movement of water or the atmosphere or by mechanical, electrical or any other means.



Sign, Movable. A sign, which is movable by two or fewer individuals without aid of a motor vehicle or other mechanical equipment. The term movable sign includes the terms Aframe sign, Tshaped sign and tent sign.

Sign, Noncommercial. Any sign, display, or device that does not direct attention to a business operated for profit, or to a commodity, product or service for sale, which displays a substantive message, statement, or expression that is protected by the First Amendment to the US Constitution.

Sign, Nonconforming. Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this Ordinance, and any amendments to, and which fails to conform to all applicable standards and restrictions of this Ordinance. An illegal sign is not a nonconforming sign.

Sign, Object or Product. A sign used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drivethrough window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper boxes.

Sign, OffPremise. A sign or Structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided at a location other than on the premises where the sign is located. Several types of offpremise signs may exist or otherwise be subject to the requirements of this Ordinance. Billboards are examples of offpremise signs. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county or town government or their public agencies.

Sign, OnPremise. A sign or structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold, offered, maintained or provided on the premises or at the same location (site or tract) as that where the sign is located. Several types of onpremise signs may exist or otherwise be subject to the

requirements of this Ordinance regarding said signs. Ground signs and directional signs are examples of onpremise signs.

Sign, Pole. A freestanding sign with the base and all of the sign copy area at least ten (10) feet above the ground and which is supported from the ground by one or more poles or similar support structures of narrow width (maximum of ten percent (10%) of the width of the sign face) and not attached to any building (not a ground sign).

Sign, Political. A temporary sign used in connection with a local, state, or national election or referendum.

Sign, Portable. A sign designed or intended to be readily relocated from one location to another whether on the same premises or a different premises, is not permanently attached to the ground, building or other permanent structure and is differentiated from a Movable Sign in that it may be equipped for transportation by motor vehicle or other mechanical means. The term Portable Sign shall include signs on wheels, trailers, truck beds, or any other device, ~~which is capable of or intended to be moved~~ from one location to another. Signs defined as temporary signs are not included in this definition.

Sign, Projecting. A sign, which projects from and is supported by a building or other structure only when said projection is greater than twelve (12) inches. The term Projecting Sign does not include the terms wall, awning, canopy or marquee sign, which are otherwise defined herein.

Sign, Public Interest. A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

Sign, Real Estate. A temporary sign that is used to offer for sale, lease, rent, or development the premises upon which such sign is placed.

Sign, Roof. A sign erected or maintained in whole or in part on, upon, or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

Sign Structure. Any structure which supports, has supported or is capable of supporting a sign, including any decorative cover for said sign structure.

Sign, Snipe. A temporary sign or poster affixed to a fence, pole, post, hydrant, bridge, another sign, public bench, streetlight or any tree, rock or other natural object.

Sign, Temporary. Any sign, designed in structure, materials, and/or copy message, which is temporary in nature to be used in connection with a circumstance, situation or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, whether attached to a structure, fence or freestanding, and whether or not it contains a frame. The term Temporary Sign includes the terms Banner, Pennant, Valance, Flyer, and Announcement. Temporary Sign materials consist of cloth, vinyl, canvas, light fabric, cardboard, paper, wall board or other light material. This definition shall not include a permanent sign display area with changeable copy, or to movable or portable signs.

Sign, Vehicle. A sign on a parked vehicle visible from the public rightofway where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this Ordinance, vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

Sign, Wall. A sign which is placed on and/or attached to and supported throughout its entire length by the facade or exterior side of a building (or fence) wall by means of adhesive, paint, manufacturing process, structural and/or mechanical attachment, which said sign is not more than twelve (12) inches from the facade or exterior wall line and when its exposed face is parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Such sign may not extend above the roofline.

Sign, Window. A sign that is placed on and/or attached to the interior side of a window or door glass of a building by means of adhesive, paint and/or manufacturing process intended for viewing from the exterior of such building; or a sign within a building, placed no more than twelve (12) inches behind the window which is visible through the window.

Special Event. A planned, temporary activity.

Structural (Architectural) Trim. The molding, battens, capping, nailing strips, latticing, and platforms which are attached to a sign structure.

Use. The purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.

**Article III-2      ADOPTION**

**III-2.1            Validity**

If any Section, Subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it would have passed this Ordinance and each Section, Subsection, clause, and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses or phrases be declared invalid.

**III-2.2            Effective Date**

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This Ordinance shall become effective upon its adoption by the Board of Commissioners of the Town of Wadesboro, North Carolina.”

**ADOPTED** this the \_\_\_\_\_ day of \_\_\_\_\_, 2006, by the Board of Commissioners of the Town of Wadesboro, North Carolina.

Town Clerk

Mayor