

# CHAPTER 15 – PLANNING AND ZONING

## ARTICLE I. - GENERAL

### SECTION 15.1. – PURPOSE.

In order to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, sewerage, schools, parks, and other public requirements; to conserve the value of buildings; to protect water resources and water quality for the future and encourage the most appropriate use of land throughout the corporate area, there is hereby adopted and established an official zoning plan of the Town of Ellerbe.

### SECTION 15.2. – AUTHORITY.

This zoning Ordinance is adopted pursuant to the authority vested in the Town of Ellerbe by its charter and the General Statutes of North Carolina, particularly Chapter [160A160D, Article 19, Part 3](#).

### SECTION 15.3. – JURISDICTION.

The provisions of this Ordinance shall apply within the corporate limits of the Town of Ellerbe, North Carolina, as now or hereafter fixed, as shown on the Zoning Map on file in the Town Hall.

### SECTION 15.4. – FEES.

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, special use permits, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the town's budget or as established by resolution of the Board of Commissioners filed in the office of the Town Clerk.

Fees shall be paid upon submission of a signed application or notice of appeal.

### SECTION 15.5. – MINIMUM REGULATIONS.

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

SECTION 15.6. - VALIDITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid by the courts, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners hereby declares that it has 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.

SECTION 15.7. - EFFECTIVE DATE

This Ordinance and its provisions governing the use of land and buildings, the height of buildings, and other matters as hereinafter set forth are hereby established and declared to be in full force and effect from and after its passage and any Zoning Ordinance previously adopted is hereby repealed.

SECTION 15.8. – 15.10. - RESERVED.

**ARTICLE II. – OFFICIAL ZONING MAP AND ZONING DISTRICTS**

SECTION 15.11. – ZONING MAP.

For the purposes of this Ordinance, the Town of Ellerbe is hereby divided into several zoning districts the locations and boundaries of which are shown on the **Official Zoning Map for the Town of Ellerbe** which is hereby adopted by reference and declared to be a part of this Ordinance.

This Zoning Map and all the notations, references, and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map were all fully described and set out herein. The Zoning Map properly attested is on file in the Municipal Building and is available for inspection by the public.

The Zoning Enforcement Officer or his representative shall be responsible for the maintenance and revision of the Official Zoning Map. Upon notification by the Board of Commissioners that a zoning change has been made, the Zoning Enforcement Officer shall make the necessary changes on the Official Zoning Map within seven (7) calendar days of notification.

SECTION 15.12. – ZONING DISTRICTS.

In order that the purpose of this Ordinance may be accomplished, the zoning districts are hereby established within the zoning jurisdictional area described in **Article 6**, and are hereby given the following designations:

R-A	Residential Agricultural
R-20	Residential
R-15-MH	Residential

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R-MF	Residential - Multifamily
R-MH	Mobile Home Park Residential
TCD	Town Center District
GBD	General Business District
NBD	Neighborhood Business District
L-M	Light Manufacturing
OSD	Open Space District

**SECTION 15.13. – INTERPRETATION OF ZONING DISTRICT BOUNDARIES.**

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

- a) Unless otherwise specifically indicated, where district boundaries are shown on the Zoning Map as approximately parallel or following the center lines of streets, highways, railroad rights-of-way, utility easements, or stream beds, or such lines extended, then such lines shall be construed to be such district 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 a district boundary line divides a lot in single ownership, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot, provided that such extension shall not include any part of such lot which lies more than fifty (50) feet beyond the district boundary, and further provided that the remaining parcel shall not be less than the minimum required for the district in which it is located.
- d) Where any public street or alley is hereafter officially vacated or abandoned, the regulations applicable to parcels of abutting property shall apply to that portion of such street or alley thereto by virtue of such vacation or abandonment.
- e) The Board of Adjustment shall be empowered to interpret the intent of the Zoning Map as to the location of district boundaries in case any further uncertainty exists.

**SECTION 15.14. – 15.20. – RESERVED.**

**ARTICLE III. –APPLICATION AND ENFORCEMENT.**

SECTION 15.21. - APPLICATION.

No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered except in conformity with the regulations herein specified for the district in which it is located, except as hereinafter provided in this Ordinance.

SECTION 15.22. - ZONING ENFORCEMENT OFFICER.

The Board of Commissioners shall appoint a Zoning Enforcement Officer to enforce the provisions of this Ordinance. The assistance of such other persons may be provided as the Town Board of Commissioners may direct. The ordinance shall be enforceable in accordance with provisions available in the General Statutes of North Carolina Chapter [460A, Section 175-160D-404](#).

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

[Stop Work Orders. - Whenever any work or activity subject to regulation pursuant to this Chapter or other applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State is undertaken in substantial violation of any State or local law, or in a manner that endangers life or property, staff may order the specific part of the work or activity that is in violation or presents such a hazard to be immediately stopped. The order shall be in writing, directed to the person doing the work or activity, and shall state the specific work or activity to be stopped, the reasons therefor, and the conditions under which the work or activity may be resumed. A copy of the order shall be delivered to the holder of the development approval and to the owner of the property involved \(if that person is not the holder of the development approval\) by personal delivery, electronic delivery, or first-class mail. The person or persons delivering the stop work order shall certify to the local government that the order was delivered and that certificate shall be deemed conclusive in the absence of fraud.](#)

SECTION 15.23. - ZONING PERMIT AND BUILDING PERMIT REQUIRED.

No land shall be used or occupied (except for agricultural purposes) and no building hereafter erected, structurally altered, or moved or its use changed until a Zoning Permit shall be issued by the Zoning Enforcement Officer, except in conformity with the provisions of this Ordinance or except after written order from the Board of Adjustment. Provided further:

- a) A Building Permit cannot be issued by the County Building Inspector unless zoning compliance is certified.
- b) A record of all certificates shall be kept on file in the office of the Zoning Enforcement Officer and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land involved.

**SECTION 15.24. – APPLICATION PROCESS.**

Each application for a Zoning Permit shall be accompanied by two (2) sets of plans drawn to scale. One (1) of the plans shall be returned to the applicant upon approval of the zoning permit. The other plan set will be retained with the Town’s copy of the Zoning Permit. The plan shall show the following:

- a) The shape and dimensions of the lot on which the proposed building or uses to be erected or conducted;
- b) The location of said lot with respect to adjacent rights-of- way;
- c) The shape, dimensions, and location of all buildings, existing and proposed, on the said lot;
- d) The nature of the proposed use of the building or land, including the extent and location of the use, on the said lot;
- e) The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space; and
- f) Any other information which the Zoning Enforcement Officer may deem necessary for consideration in enforcing the provisions of this Ordinance.

A fee, set by the Board of Commissioners, shall be charged for the processing of such application. The adopted fee schedule shall be posted in the Town Clerk’s Office.

**SECTION 15.25. – TEMPORARY PERMIT.**

The Zoning Enforcement Officer may issue a temporary permit for commercial rides, carnivals, religious revivals, construction offices, and the placement of manufactured housing as a second dwelling for the temporary care of elderly parents and/or the terminally ill (only permissible in zoning districts that allow for manufactured housing). Such certificate shall be issued for a fixed period of time, not to exceed ninety (90) days, shall be subject to such limitations as the Zoning Enforcement Officer may impose to protect the character of the district affected, and may be considered for reapplication.

**SECTION 15.26. – RIGHT OF APPEAL.**

If the Zoning permit is denied, the applicant may appeal the action of the Zoning Enforcement Officer to the Board of Adjustment; and that from the decision of the Board of Adjustment, recourse shall be had to courts as provided by law. It is further the intention of this Ordinance that the duties of the Board of Commissioners in connection with the Ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in the Ordinance, and that the duties of the Board of Commissioners in connection with this Ordinance shall be only the duty of considering and passing upon any proposed amendment or repeal of the Ordinance as provided by law.

SECTION 15.27. – PENALTIES.

The penalties for violation of this Zoning Code are as follows:

- a) **Criminal Penalties.** Any person, firm, or corporation who violates the provisions of this Ordinance shall upon conviction be guilty of a misdemeanor and shall be fined not exceeding fifty (\$50) dollars and/or imprisoned not exceeding thirty (30) days. Each day of violation shall be considered a separate and distinct offense.
- b) **Civil Penalties.** If a building or structure is erected, constructed, reconstructed, or altered, repaired, converted, or maintained, or [any building](#), structure or land is occupied or used in violation of the General Statutes of North Carolina, this ordinance, or other regulation made under authority conferred thereby, the Town of Ellerbe may apply to the District Court, Civil

Division, or any other court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of the property.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the case. An order of abatement may direct that buildings or other structures on the property be closed, and demolished, or removed; that fixtures, furniture, or other movable property be removed from buildings on the property; that grass and weeds be cut; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this 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.

- c) **Equitable Relief.** The Town of Ellerbe may apply to the District Court, Civil Division or other court of competent jurisdiction for an appropriate equitable remedy. It shall not be a defense to the Town's application for equitable relief that there is an adequate remedy at law.
- d) **Combination of Remedies.** The Town may choose to enforce this ordinance by any one, all, or combination of the above procedures.

SECTION 15.28. – REMEDIES.

In any case any building is created, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or land is used in violation of this Ordinance, the Zoning Enforcement Officer, or any other appropriate Town authority, or any person who would be damaged by such violation, in addition to other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceeding to prevent such violation.

SECTION 15.29. – COMPLAINTS REGARDING VIOLATIONS.

When a violation of this Ordinance occurs or is alleged to have occurred, any person may file a written complaint.

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Such complaint shall state fully the cause and basis thereof and shall be filed with the Zoning Enforcement Officer. He shall record properly such complaint, investigate within ten (10) days, and take action thereon as provided in these regulations.

**SECTION 15.30. – REVOKING OF PERMITS.**

A zoning sign, [Special](#) use or occupancy permit may be revoked by the permit-issuing authority if the permit recipient fails to develop and maintain the property in accordance with the plans submitted, the requirements of this ordinance, or any other requirements lawfully imposed by the permit [issuer](#). When the permit is revoked any further work upon the demolition, construction, alteration, or repair on said building, structure or sign, or further use of said building, structure, sign or land shall be deemed a violation. Each and every day such unlawful demolition, construction, alteration or repair on said building or structure, or further use of said building or structure or land continues shall be deemed a separate offense.

**SECTION 15.31. – CERTIFICATE OF OCCUPANCY.**

No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered, erected, or moved shall be used or occupied until a certificate of occupancy shall have been issued by the Zoning Enforcement Officer stating that the building and/or the proposed use thereof complies with the provisions of this Ordinance and any other appropriate regulatory codes. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy, either for the whole or part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alterations of such building, or part, shall have been completed in conformity with the provisions of this Ordinance and any other appropriate regulatory codes. 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 erected. No permit for excavation for, or erection of, a building shall be issued until after a statement of its intended use has been filed by the applicant.

**SECTION 15.32. – JUDICIAL REVIEW.**

Every decision of the Board of Commissioners granting or denying a [Special](#) use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Richmond County by proceedings in the nature of certiorari.

- a) The petition for the writ of certiorari must be filed with the Richmond County Clerk of Court within 30 days after the later of the following occurrences:
- b) A written copy of the board's decision has been filed in the office of the Zoning Administrator;
- c) A written copy of the board's decision has been delivered, by personal service or certified mail, return receipt requested, to the applicant or appellant and every other aggrieved party who has filed a written request for such copy at the hearing of the case; and
- d) A copy of the writ of certiorari shall be served upon the Town of Ellerbe.

SECTION 15.33. – 15.40. – RESERVED.

**ARTICLE IV. –NONCONFORMING USES.**

SECTION 15.41. - CONTINUANCE OF NONCONFORMING BUILDINGS.

The nonconforming use of a building existing at the time of the passage of this Ordinance shall not be affected by this Ordinance, although if such use does not conform to the provisions of this Ordinance, such use may be extended throughout the building provided no structural alterations except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building are made therein but no such use shall be extended to occupy and land outside such building. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of more than ~~one hundred and eighty~~ twenty-four months (180 days)(24 months), every future use of such premises shall be in conformity with the provisions of this Ordinance. (Manufactured Home Parks existing at the time of the passage of this Ordinance shall be treated as nonconforming uses.

SECTION 15.42. - CONTINUANCE OF NONCONFORMING USES OF LAND.

The lawful use of "land" existing at the time of the passage of this Ordinance, although such use does not conform to the provisions of this Ordinance, shall not be affected by this Ordinance provided, however, that no such nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this Ordinance. If such nonconforming use is discontinued for a continuous period of more than one hundred and eighty (180) days, any future use of said land shall be in conformity with the provision of this Ordinance.

SECTION 15.43. - CHANGE OF USE.

A nonconforming use shall not be changed to any but a use listed as permitted for the district in which such a nonconforming use is located. Uses not designated as permitted shall be prohibited by this Ordinance in the areas delineated by the Official Zoning Map of the Town.

SECTION 15.44. - RECONSTRUCTION PROHIBITED.

Nothing in this Ordinance shall be construed to prevent the restoration of a building destroyed to the extent of not more than sixty (60) percent of its assessed value at the time of destruction by fire, explosion, or other casualty, if such construction is begun within ~~one hundred and eighty (180) days~~ twenty-four months (24 months) of the date of such damage. Owner occupied residences which are nonconforming uses may be rebuilt regardless of the extent of the destruction.

If the nonconforming use of land is for location of a manufactured home which is owner occupied, such home may be replaced by a newer model (upgrade) at any time so long as the new home is placed on the lot no more than seven (7) days after the removal of the old home and so long as the new home is occupied by the same owner occupant as the old home.



**SECTION 15.45. - NORMAL MAINTENANCE AND REPAIR OF NONCONFORMING USES.**

Normal maintenance and repair in a building occupied by a nonconforming use is permitted provided it does not increase the bulk of the structure nor extend the nonconforming use. Owner occupied nonconforming uses may be expanded provided all district setbacks are met.

**SECTION 15.46. – 15.50. - RESERVED.**

**ARTICLE V. –GENERAL PROVISIONS.**

**SECTION 15.51. - REQUIRED YARDS NOT TO BE USED BY ANOTHER BUILDING.**

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

**SECTION 15.52. - RELATIONSHIP OF BUILDING TO LOT.**

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one principal building and its customary accessory buildings on the lot except in the case of designed complex of institutional, residential, commercial, industrial buildings in an appropriate zoning district, i.e., school campus, cluster housing, shopping center, research park, etc.

**SECTION 15.53. - STREET ACCESS.**

No building shall be erected on a lot which does not abut a public street for a distance of at least twenty-five (25) feet provided, that in a designed shopping center in a commercial district, or a planned project in a residential district a building may be erected adjoining a parking area or other dedicated open space, used in common with other lots.

**SECTION 15.54. - REDUCTION OF LOT AND YARD AREAS PROHIBITED.**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall be at least the minimum requirements established by this Ordinance.

**SECTION 15.55. - STANDARDS FOR EFFLUENTS AND EMISSIONS.**

To protect air, land and water quality, all effluents and emissions into the air or surface or ground waters from new development permitted by this Ordinance must be in conformity with applicable Federal, State, County, and Town laws and regulations governing Health and Environmental Quality.

**SECTION 15.56. - NEWLY INCORPORATED AREAS.**

All territory which may hereafter be included within the zoning jurisdiction of the Town of Ellerbe shall be zoned by the Board of Commissioners at the time of such incorporation.

SECTION 15.57. - LOT OF RECORD.

Where the owner of a lot at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance (lot area, lot width or setback requirements), the Zoning Enforcement Officer shall allow such lot to be used as a building site in the district in which it is located; provided, that the lot width, lot area or setback requirements are not more than twenty (20) percent below the minimum specified in this Ordinance. In any case where the dimensional requirements are more than twenty (20) percent below the minimum specified in this Ordinance, the Board of Adjustment may approve, as a special exception, such dimensions as shall conform as closely as possible to the required dimensions.

SECTION 15.58. - ADJOINING AND VACANT LOTS OF RECORD.

If two (2) or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this Ordinance and such lots individually have less frontage or area than the minimum requirements of the district in which such a single lot or several lots are located, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

SECTION 15.59. - CURB CUTS GIVING ACCESS TO PUBLIC RIGHTS-OF-WAY.

Construction of curb cuts for purposes of ingress or egress to property abutting a public right-of-way shall be approved by the public authority in the Town which has jurisdiction over the maintenance of public streets and the North Carolina Department of Transportation where said curbs affect access to State Highways. Provision for all access work done on highway right-of-way is subject to approval by the Department of Transportation.

SECTION 15.60. - HEIGHT LIMIT EXCEPTIONS.

The height limitations contained in the schedule of district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, mechanical equipment penthouses, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

SECTION 15.61. - ACCESSORY BUILDINGS.

No accessory building shall be located in any required front or side yard. See also Supplemental Regulations.

SECTION 15.62. - CORNER VISIBILITY.

No planting, fence or other obstruction to visibility of vehicles shall be erected, planted, maintained, or allowed to exist in any district within the range of three (3) feet to ten (10) feet above the centerline grades of the intersecting streets in the triangular area bounded by the street right-of-way lines of such corner lots and a line joining points along these street lines twenty-five (25) feet from the point of intersection.

SECTION 15.63. - MANUFACTURED HOMES AS TEMPORARY USES.

Manufactured homes may be allowed as temporary quarters in any district at the discretion of the Zoning Enforcement Officer. Examples of permissible temporary quarters are construction offices and temporary disaster relief quarters for any type of use. Permits for 60-day periods of use must be obtained from the Zoning Enforcement Officer, who can renew the permits for additional 60-day periods at his discretion. Appeals of the Administrative Officer's decisions are to the Board of Adjustment.

SECTION 15.64. - MANUFACTURED HOMES TO BE UNDERPINNED.

In order to insure public safety and welfare, every mobile home located in the Town of Ellerbe at the time of the passage of this ordinance will, within one year, be underpinned with materials approved by and in a manner approved by the Zoning Enforcement Officer. Materials should be manufactured specifically as mobile home underpinning including vinyl, imitation brick, imitation stone/rock, fiber glass, block, brick and other similar materials. The Zoning Enforcement Officer along with the town staff, will notify each manufactured [homeowner](#) of this requirement, and [ensure](#) compliance within one year.

SECTION 15.65. - VESTED RIGHTS.

The purpose of this section is to implement provisions of G.S. [160D-108](#) which establishes a statutory zoning vested right upon the approval of a [site-specific](#) development plan.

A. General:

- 1) At the time that the landowner submits application for a [Special](#) land use permit, the landowner must declare he is seeking to acquire a vested right pursuant to G.S. [160D-108](#) and the Town of Ellerbe Zoning Ordinance by completing the accompanying form.
- 2) The Planning Board will schedule the public hearing.
- 3) A variance shall not constitute a [site-specific](#) development plan, and approval of a [site-specific](#) development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained.
- 4) Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel of parcels of property may constitute a [site-specific](#) development plan.

B. Establishment of Vested Right:

- 1) A vested right shall be deemed established upon the valid approval, or [Special](#) approval of the [Special](#) use permit. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the subdivision plat, or [Special](#) use permit.

2) A right which has been vested as provided for in this section shall remain vested for a permit of two years. This vesting shall not be extended by any amendments or modifications unless expressly provided by the town.

C. Termination of a Vested Right:

A right which has been vested as provided in this section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. An established vested right runs with the land.

D. Changes and Exceptions:

A vested right, once established as provided for in this section, precludes any zoning action by the town which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved [site-specific](#) development plan except:

- 1) With written consent of the affected landowner.
- 2) Upon findings that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the [site-specific](#) development plan.
- 3) To the extent that the affected landowner receives compensation for all costs and losses.
- 4) Upon findings that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the plan approval by the town.
- 5) Upon the enactment of a State or federal law or regulation which precludes development as contemplated in the [site-specific](#) development plan.

SECTION 15.66. – 15.70. - RESERVED.

**ARTICLE VI. –DISTRICT REGULATIONS.**

SECTION 15.71. - RESIDENTIAL AGRICULTURE (R-A).

This district is composed of quiet, low density residential development and of open areas used as [farm land](#) and woodland. The regulations of this district are intended (1) to [insure](#) that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently

low densities to [insure](#) a healthful environment and (2) to protect agricultural and residential areas from an influx of incompatible uses which would render such areas undesirable for farms and future development. The regulations are intended to prohibit any use which, because of its character, would interfere with the residential nature of this district.

**A. PERMITTED AND SPECIAL USES**

LAND USE	P=Permitted by Right in this District -or- <a href="#">CUPSUP-SUP</a> =Conditional Special Use Permit Required	Refer to Supplemental Regulations, Article XVI
Accessory Uses and Structures	P	Yes
Agriculture	P	Yes
Automobile Sales, New and Used	<a href="#">CUPSUP-SUP</a>	
Assembly Uses	P	
Bed and Breakfast Inns	P	
Bone Fide Farms	P	Yes
Bus and Transit Shelter	P	
Cemeteries and Mausoleums	<a href="#">CUPSUP-SUP</a>	
Child Care Center/Day Care Center	P	Yes

LAND USE	P=Permitted by Right in this District -or- <a href="#">CUP</a> <a href="#">SUP</a> <a href="#">SUP</a> = <a href="#">Conditional</a> <a href="#">Special</a> <a href="#">Special</a> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Community Garden	P	
Equestrian Facilities/Riding Academies	P	
Family Care Homes	P	Yes
Fire Stations	P	
Golf Courses, Par3, Driving Ranges	P	Yes
Group Home	P	Yes
Home Occupations	P	Yes
Libraries and Museums	P	
Manufactured Homes "A" on Individual Lots	P	Yes
Manufactured Home Parks	<a href="#">CUP</a> <a href="#">SUP</a> <a href="#">SUP</a>	
Parking Facility	<a href="#">CUP</a> <a href="#">SUP</a> <a href="#">SUP</a>	
Parks and Recreation	P	
Personal Services	P	

Plant Nurseries and Greenhouses	P	
Religious Institutions, Churches	P	
LAND USE	P=Permitted by Right in this District -or- <a href="#">CUPSUP-SUP=ConditionalSpecial Special Use Permit Required</a>	Refer to Supplemental Regulations, Article XVI
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Rest Homes and Convalescent Homes	<a href="#">CUPSUP-SUP</a>	Yes
Single-Family Homes	P	
Schools, Colleges and Other Similar Public and Private Institutions	P	
Solar Energy Facility	<a href="#">CUPSUP-SUP</a>	
Theaters and Auditoriums	<a href="#">CUPSUP-SUP</a>	
Telecommunications Facility/Tower	<a href="#">CUPSUP</a>	
Two-Family (Duplex) Home	P	
Utility and Public Works Facility and Infrastructure	P	

**B. DIMENSIONAL REQUIREMENTS**

The following dimensional requirements shall cover all uses permitted in the RA Zone. (See following page)

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Minimum Lot Size	Minimum Lot Width at the Building Line	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Maximum Building Height
40,000 sq. ft.	100 feet	40 feet	30 feet	15 feet	20 feet	35 feet

**C. PARKING**

Off-street parking shall be provided according to the provisions set forth in *Article VII* of this Chapter.

**D. SIGNS**

All signs shall conform to *Article IX of this Chapter*.



SECTION 15.72. - RESIDENTIAL DISTRICT (R-20).

In the R-20 Residential District, the principal use of land is for low density residential and agricultural purposes, and to provide and protect low density single-family and duplex residential areas for those desiring that type of environment. The regulations are intended to prohibit any use which, because of its character, would interfere with the residential nature of this district. These districts are intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide a healthful environment.

A. PERMITTED AND SPECIAL USES

LAND USE	P=Permitted by Right in this District  -or- CUPSUP=ConditionalSpecial Use Permit Required	Specific Regulations Refer to Supplemental Regulations, Article XVI
Accessory Uses and Structures	P	Yes
Agriculture	P	Yes
Bed and Breakfast Inns	P	
Bus and Transit Shelter	P	
Cemeteries and Mausoleums	CUPSUP	
Child Care Center/Day Care Center	P	Yes
Community Garden	P	
Equestrian Facilities/Riding Academies	CUPSUP	
Family Care Homes	P	Yes
Fire Stations	P	
Golf Courses, Par3, Driving Ranges	CUPSUP	Yes
Group Home	P	Yes
Home Occupations	P	Yes

Libraries and Museums	P	
<b>LAND USE</b>	<p>P=Permitted by Right in this District</p> <p>-or-</p> <p><del>CUPSUP=Conditional</del>Special Use Permit Required</p>	Specific Regulations Refer to Supplemental Regulations, Article XVI
Parks and Recreation	P	
Plant Nurseries and Greenhouses	<a href="#">CUPSUP</a>	
Religious Institutions, Churches	P	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Rest Homes and Convalescent Homes	<a href="#">CUPSUP</a>	Yes
Single-Family Homes	P	
Schools, Colleges and Other Similar Public and Private Institutions	p	
Solar Energy Facility	<a href="#">CUPSUP</a>	
Telecommunications Facility/Tower	<a href="#">CUPSUP</a>	
Two-Family (Duplex) Home	P	
Utility and Public Works Facility and Infrastructure	p	

**B. DIMENSIONAL REQUIREMENTS**

The following dimensional requirements shall cover all uses permitted in the R-20 Zone.

Minimum Lot Size	Minimum Lot Width at the Building Line	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Maximum Building Height
20,000 sq. ft.	100 feet	40 feet	30 feet	15 feet	20 feet	35 feet

**C. PARKING**

Off-street parking shall be provided according to the provisions set forth in *Article VII of this Chapter.*

**D. SIGNS**

All signs shall conform to *Article IX of this Chapter.*

**SECTION 15.73. - RESIDENTIAL DISTRICT (R-15) FOR MOBILE HOMES.**

This district is defined as medium-density residential areas of mostly single-family dwellings, open areas where similar residential development will likely occur and manufactured home parks. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

**A. PERMITTED AND SPECIAL USES**

LAND USE	P=Permitted by Right in this District  -or- <u>CUPSUP=ConditionalSpecial</u> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Accessory Uses and Structures	P	Yes
Bed and Breakfast Inns	P	
Bus and Transit Shelter	P	
Cemeteries and Mausoleums	<u>CUPSUP</u>	
Child Care Center/Day Care Center	P	Yes
Community Garden	P	
Family Care Homes	P	Yes
Fire Stations	P	
Group Home	P	Yes

Home Occupations	P	Yes
<b>LAND USE</b>	<b>P=Permitted by Right in this District</b>  <b>-or-</b> <b>CUPSUP=Conditional Special Use Permit Required</b>	<b>Refer to Supplemental Regulations, Article XVI</b>
Libraries and Museums	P	
Manufactured Homes Class "A" on Individual Lots	P	
Manufactured Homes Parks	CUPSUP	
Parks and Recreation	P	
Religious Institutions, Churches	P	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Rest Homes and Convalescent Homes	CUPSUP	Yes

Single-Family Homes	P	
Schools, Colleges and Other Similar Public and Private Institutions	P	
Telecommunications Facility/Tower	<a href="#">CUPSUP</a>	
Two-Family (Duplex) Home	P	
Utility and Public Works Facility and Infrastructure	P	

**B. DIMENSIONAL REQUIREMENTS**

The following dimensional requirements shall cover all uses permitted in the R-15 MH Zone.

Minimum Lot Size	Minimum Lot Width at the Building Line	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Maximum Building Height
15,000 sq. ft.	100 feet	35 feet	25 feet	10 feet	15 feet	35 feet

**C. PARKING**

Off-street parking shall be provided according to the provisions set forth in *Article VII of this Chapter*.

**D. SIGNS**

All signs shall conform to the provisions set forth in *Article IX of this Chapter*.

**SECTION 15.74. - RESIDENTIAL DISTRICT (R-10).**

In the R-10 District, the principal use of land is for higher density single-family, two-family and mobile home residences, along with limited home occupations and public and private community uses. The regulations are intended to prohibit any use which, because of its character, would interfere with the residential nature of this district. It is expected that municipal water and sewer facilities will be available to each lot in such districts or a reasonable expectation of such service in the near future.

**A. PERMITTED AND SPECIAL USES**

LAND USE	P=Permitted by Right in this District  -or-  <u>CUPSUP=ConditionalSpecial</u> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Accessory Uses and Structures	P	Yes
Bed and Breakfast Inns	P	
Bus and Transit Shelter	P	
Child Care Center/Day Care Center	P	Yes
Community Garden	P	
Family Care Homes	P	Yes
Fire Stations	P	
Group Home	P	Yes

Home Occupations	P	Yes
Libraries and Museums	P	
<b>LAND USE</b>	<b>P=Permitted by Right in this District</b> <b>-or-</b> <b>CUPSUP=Conditional Special Use Permit Required</b>	<b>Refer to Supplemental Regulations, Article XVI</b>
Parks and Recreation	P	
Religious Institutions, Churches	P	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Rest Homes and Convalescent Homes	<u>CUPSUP</u>	Yes
Single-Family Homes	P	
Schools, Colleges and Other Similar Public and Private Institutions	P	
Telecommunications Facility/Tower	<u>CUPSUP</u>	
Two-Family (Duplex) Home	P	
Utility and Public Works Facility and Infrastructure	P	



**B. DIMENSIONAL REQUIREMENTS**

The following dimensional requirements shall cover all uses permitted in the R-10 Zone.

Minimum Lot Size	Minimum Lot Width at the Building Line	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Maximum Building Height
10,000 sq. ft.	70 feet	25 feet	25 feet	10 feet	15 feet	35 feet

**C. OFF-STREET PARKING**

Off-street parking shall be provided according to the provisions set forth in *Article VII of this Chapter*.

**D. SIGNS**

All signs shall conform to the provisions set forth in *Article IX of this Chapter*.

**SECTION 15.75. - RESIDENTIAL MULTIFAMILY (R-MF).**

The Residential Multi-family District permits high density residential development. Single-family, two-family and multi-family dwellings such as apartments are permitted. The regulations of this district are intended to provide the community with areas of relatively ~~high density~~ high-density neighborhoods for residents desiring small dwelling units and multifamily structures.

A. PERMITTED AND SPECIAL USES

LAND USE	P=Permitted by Right in this District -or- CUPSUP=ConditionalSpecial Use Permit Required	Refer to Supplemental Regulations, Article XVI
Accessory Uses and Structures	P	Yes
Bed and Breakfast Inns	P	
Bus and Transit Shelter	P	
Child Care Center/Day Care Center	P	Yes
Community Garden	P	
Family Care Homes	P	Yes
Fire Stations	P	
Group Home	P	Yes
Home Occupations	P	Yes
Libraries and Museums	P	

LAND USE	P=Permitted by Right in this District -or- CUPSUP=ConditionalSpecial Use Permit Required	Refer to Supplemental Regulations, Article XVI
Parks and Recreation	P	
Manufactured Home Class "A"	P	
Manufactured Home Park	CUPSUP	
Multi-Family Dwellings	P	
Religious Institutions, Churches	P	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Rest Homes and Convalescent Homes	CUPSUP	Yes
Single-Family Homes	P	

Schools, Colleges and Other Similar Public and Private Institutions	P	
Telecommunications Facility/Tower	<a href="#">CUPSUP</a>	
Two-Family (Duplex) Home	P	
Utility and Public Works Facility and Infrastructure	P	

**B. DIMENSIONAL REQUIREMENTS**

The following dimensional requirements shall cover all uses permitted in the R-MF Zone.

**1. Single Family and ~~Two-Family~~ Two-Family Dwellings:**

Minimum Lot Size	Minimum Lot Width at the Building Line	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Maximum Building Height
12,000 sq. ft.	80 feet	30 feet	25 feet	10 feet	15 feet	35 feet

**2. Three or more Dwelling Units:**

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Minimum Lot Size	Minimum Lot Width at the Building Line	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Maximum Building Height
10,000 sq. ft.	70 feet	25 feet	25 feet	10 feet	15 feet	35 feet

**C. OFF-STREET PARKING**

Off-street parking shall be provided according to the provisions set forth in *Article VII of this Chapter*.

**D. SIGNS**

All signs shall conform to the provisions set forth in *Article IX of this Chapter*.

**SECTION 15.76. - RESIDENTIAL MOBILE HOME PARK (MHP)**

This district is defined as medium to high-density residential areas for the location of manufactured home parks. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

**A. PERMITTED AND SPECIAL USES**

LAND USE	P=Permitted by Right in this District  -or-  CUPSUP=ConditionalSpecial Use Permit Required	Refer to Supplemental Regulations, Article XVI
Accessory Uses and Structures	P	Yes
Bed and Breakfast Inns	P	
Bus and Transit Shelter	P	
Child Care Center/Day Care Center	P	Yes
Community Garden	P	
Family Care Homes	P	Yes
Fire Stations	P	
Group Home	P	Yes
Home Occupations	P	Yes
Libraries and Museums	P	

LAND USE	P=Permitted by Right in this District -or- CUPSUP=Conditional Special Use Permit Required	Refer to Supplemental Regulations, Article XVI
Manufactured Homes Class "A" on Individual Lots	P	
Parks and Recreation	P	
Multi-Family Dwellings	P	
Religious Institutions, Churches	P	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Rest Homes and Convalescent Homes	CUPSUP	Yes
Single-Family Homes	P	

Schools, Colleges and Other Similar Public and Private Institutions	P	
Telecommunications Facility/Tower	<a href="#">CUPSUP</a>	
Two-Family (Duplex) Home	P	
Utility and Public Works Facility and Infrastructure	P	

**B. DIMENSIONAL REQUIREMENTS**

The following dimensional requirements shall cover all uses permitted in the R-MHP Zone.

Minimum Lot Size	Minimum Lot Width at the Building Line	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Maximum Building Height
10,000 sq. ft. plus 3,000 additional square feet for each dwelling	70 feet	25 feet	25 feet	10 feet	15 feet	35 feet



**C. OFF-STREET PARKING**

Off-street parking shall be provided according to the provisions set forth in *Article VII of this Chapter*.

**D. SIGNS**

All signs shall conform to the provisions set forth in *Article IX of this Chapter*.

**SECTION 15.77. - TOWN CENTER DISTRICT (TCD).**

The Town Center District (TCD) is established as the centrally located trade and commercial service area of the community. The district encourages and provides for revitalization, reuse and infill development and the integration of shops, restaurants, services, civic, educational and religious facilities and higher density residential housing in a pedestrian-oriented environment. The regulations of this district are designed to encourage the continued use of land for community trade and commercial service uses, and to permit a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets.

**A. PERMITTED AND SPECIAL USES**

LAND USE	P=Permitted by Right in this District  -or- <u>CUPSUP=ConditionalSpecial</u> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Accessory Uses and Structures	P	Yes
Automobile Sales, New and Used	<u>CUPSUP</u>	Yes
Assembly Uses	<u>CUPSUP</u>	
Bed and Breakfast Inns	P	

Bus and Transit Shelter	P	
Child Care Center	P	Yes
Civic, Fraternal, Cultural, Community or Club Houses	P	
Community Garden	P	

LAND USE	P=Permitted by Right in this District -or- <u>CUPSUP=ConditionalSpecial</u> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Family Care Homes	P	Yes
Fire Stations	P	
Funeral Homes and Mortuaries	P	
Group Home	P	Yes
Hotels	P	
Indoor Amusement	<u>CUPSUP</u>	Yes
Libraries and Museums	P	
Medical and other Professional Offices	P	Yes

Mixed Uses	<a href="#">CUPSUP</a>	
Parking Facility	<a href="#">CUPSUP</a>	Yes
Parks and Recreation	P	
Radio and TV Shops, New and Repair	P	
Religious Institutions, Churches	P	
Resource Protection and Restoration	P	

LAND USE	P=Permitted by Right in this District -or- <a href="#">CUPSUP=ConditionalSpecial</a> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Resource-Related Recreation	P	
Restaurants and Bars	P	
Retail Shops	P	
Service Stations	P	

Schools, Colleges and Other Similar Public and Private Institutions	P	
Shops for Repair and Trade	P	
Taxi Stands	P	
Telecommunications Facility/Tower	<a href="#">CUPSUP</a>	
Temporary Mobile Food Sales	<a href="#">CUPSUP</a>	Yes
Temporary Outdoor Sales of Agricultural and related products such as a farmer's market, Christmas tree or pumpkin sales	<a href="#">CUPSUP</a>	
Theaters and Auditoriums	P	
Utility and Public Works Facility and Infrastructure	P	

**B. DIMENSIONAL REQUIREMENTS**

Minimum Lot Size	Minimum Lot Width at the Building Line	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Maximum Building Height
5,000 sq. ft.	50 feet	None	15 feet	None, but when side yard is provided it shall be a minimum of five (5) feet	None	50 feet

**C. OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be provided according to the provisions set forth in *Article VII of this Chapter* with the following exceptions:

- a. Hotels, motels, and similar uses shall meet the parking requirements of Section 15.89.
- b. Banks and other establishments with drive-in windows shall file a circulation plan providing adequate off-street waiting lanes for drive-in customers.
- c. The Board of Commissioners, upon recommendation by the Planning Board, may waive parking requirements.

**D. SIGNS**

All signs shall conform to the provisions set forth in *Article IX of this Chapter*.

**E. COMPATIBILITY OF DEVELOPMENT**

Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

SECTION 15.78. - GENERAL BUSINESS DISTRICT (GBD).

General Business Districts are located on major thoroughfares where traffic is dependent on an automobile or public transit and are intended to provide for offices, personal services and the retailing of durable and convenience goods for the community. These commercial and business uses are subject to public view and are important to the economy of the area; they should have ample parking, controlled traffic movement and suitable landscaping.

A. PERMITTED AND SPECIAL USES

LAND USE	P=Permitted by Right in this District  -or- <u>CUPSUP=ConditionalSpecial</u> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Accessory Uses and Structures	P	Yes
Animal Hospitals and Vet Offices	P	Yes
Assembly Halls, coliseums, armories, ballrooms and similar structures	P	
Automobile Sales, New and Used	P	Yes
Auction Sales	P	
Bed and Breakfast Inns	P	

Boat and Trailer Works and Sales	P	
Bowling Alleys, Skating rinks, miniature golf courses and other similar recreation establishments	P	

LAND USE	P=Permitted by Right in this District  -or- <u>CUPSUP=ConditionalSpecial</u> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Building materials storage and sales yard	P	Yes
Bus and Transit Shelter	P	
Car Washes	P	
Child Care Center/Day Care Center	P	Yes
Civic, Fraternal, Cultural, Community or Club Houses	P	
Community Garden	P	
Contractor Offices	P	
Drive-In Restaurants	P	
Dry Cleaning and Laundering Plants	P	

Farm Equipment and Machinery, sales, assembly and repair	P	
Family Care Homes	P	Yes
Fire Stations	P	
Flea Market	P	Yes
Food and Grocery Stores	P	

LAND USE	P=Permitted by Right in this District -or- <a href="#">CUPSUP=ConditionalSpecial</a> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Floral and Gift Shops	P	
Funeral Homes and Mortuaries	P	
Golf Courses, Par 3 and Driving Ranges	P	Yes
Group Home	P	Yes
Hotels	P	
Industrial Supplies and Equipment sales and service	P	
Indoor Amusement	P	Yes



Jewelry Sales and Repair Shops	P	
Laundry Mats	P	
Libraries and Museums	P	
Locksmiths and Gun Smiths	P	
Machine and Welding Shops	P	
Medical and other Professional Offices	P	
Mixed Uses	<a href="#">CUPSUP</a>	

LAND USE	P=Permitted by Right in this District -or- <a href="#">CUPSUP=ConditionalSpecial Use Permit Required</a>	Refer to Supplemental Regulations, Article XVI
Mobile Home Sales	P	Yes
Monument Works and Sales	P	
Motels and Motor Lodges	P	
Parking Facility	P	Yes
Parks and Recreation	P	

Pawn and Thrift Shops	P	
Radio and TV Shops, New and Repair	P	
Religious Institutions, Churches	P	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Restaurants and Bars	P	
Rest and Convalescent Homes	<a href="#">CUPSUP</a>	Yes
Retail Shops	P	
Service Stations	P	
LAND USE	P=Permitted by Right in this District -or- <a href="#">CUPSUP=ConditionalSpecial</a> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Schools, Colleges and Other Similar Public and Private Institutions	P	
Shops for Repair and Trade	P	
Taxi Stands	P	

Telecommunications Facility/Tower	<a href="#">CUPSUP</a>	
Temporary Mobile Food Sales	<a href="#">CUPSUP</a>	Yes
Temporary Outdoor Sales of Agricultural and related products such as a farmer’s market, Christmas tree or pumpkin sales	<a href="#">CUPSUP</a>	
Theaters and Auditoriums	P	
Theaters, Drive-In	P	
Truck Terminals	P	
Utility and Public Works Facility and Infrastructure	P	
Wholesale Sales	P	
Wholesale storage of gasoline, and oil products, including bottled gas and oxygen	P	

**B. DIMENSIONAL REQUIREMENTS**

No minimum lot sizes are required in this zone except for residential uses. Residential uses must meet the dimensional requirements of the R-10 District. (See Area, Yard and Height Table)

**C. OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be provided according to the provisions set forth in Article 7 of this Chapter, with the following exceptions:

- a) Hotels, motels, and similar uses shall meet the parking requirements of Section 15.89..
- b) Banks and other establishments with drive-in windows shall file a circulation plan providing adequate off-street waiting lanes for drive-in customers.
- c) The Board of Commissioners, upon recommendation by the Planning Board, may waive parking requirements.

**D. SIGNS**

All signs shall conform to the provisions set forth in *Article 9 of this Chapter*.

**SECTION 15.79. - NEIGHBORHOOD BUSINESS DISTRICT (NBD).**

The regulations of this District are intended to provide for the retailing of goods and services for convenience to the nearby residential neighborhoods in such a way as to protect abutting areas from blighting influences.

**A. PERMITTED AND SPECIAL USES**

LAND USE	P=Permitted by Right in this District -or- <u>CUPSUP=ConditionalSpecial</u> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Accessory Uses and Structures	P	Yes
Assembly Halls, coliseums, armories, ballrooms and similar structures	P	
Bakeries	P	
Barber Shops and Beauty Shops	P	
Bicycle Shops, new and repair	P	

Bus and Transit Shelter	P	
Child Care Center/Day Care Center	P	Yes
Community Garden	P	
Family Care Homes	P	Yes
Fire Stations	P	

LAND USE	P=Permitted by Right in this District -or- CUPSUP=ConditionalSpecial Use Permit Required	Refer to Supplemental Regulations, Article XVI
Food and Grocery Stores	P	
Funeral Homes and Mortuaries	P	
Floral and Gift Shops	P	
Jewelry Sales and Repair Shops	P	

Laundry Mats	P	
Libraries and Museums	P	
Locksmiths and Gun Smiths	P	
Medical and other Professional Offices	P	Yes
Mixed Uses	<a href="#">CUPSUP</a>	
Neighborhood retail businesses not otherwise named herein which come within the spirit or intent of this zoning district	<a href="#">CUPSUP</a>	
Parks and Recreation	P	
Radio and TV Shops, New and Repair	P	
LAND USE	P=Permitted by Right in this District -or- <a href="#">CUPSUP=ConditionalSpecial Use</a> Permit Required	Refer to Supplemental Regulations, Article XVI

Religious Institutions, Churches	P	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Restaurants and Bars	P	
Rest and Convalescent Homes	<a href="#">CUPSUP</a>	
Retail Shops	P	
Service Stations	<a href="#">CUPSUP</a>	
Schools, Colleges and Other Similar Public and Private Institutions	P	
Shops for Repair and Trade	P	
Telecommunications Facility/Tower	<a href="#">CUPSUP</a>	
Utility and Public Works Facility and Infrastructure	P	

**B. DIMENSIONAL REQUIREMENTS**

There are no minimum lot requirements in this district (See Area, Yard and Height Chart)

**C. OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be provided according to the provisions set forth in *Article VII of this*

**Chapter. D. SIGNS**

All signs shall conform to the provisions set forth in *Article IX of this Chapter.*



SECTION 15.80. - LIGHT INDUSTRY (LI).

The Light Industry District is established for those areas of the community where the principal use of land is for manufacturing, industrial, and warehousing activities. These uses, by their nature, may create some nuisances which are not properly associated with residential, institutional, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

A. PERMITTED USES

LAND USE	P=Permitted by Right; <del>CUPSUP</del> =ConditionalSpecial Use Permit Required	Refer to Supplemental Regulations, Article XVI
Automobile Service Stations	<del>CUPSUP</del>	YES
Automobile Sales, New and Used	P	YES
Automobile Wrecking Yards	<del>CUPSUP</del>	
Boat and Trailer Works and Sales	P	
Building materials storage and sales yard,	P	
Bus and Transit Shelter	P	
Car Washes	P	
Contractor Offices	P	
Dry Cleaning and Laundering Plants	P	
Farm Equipment and Machinery, sales, assembly and repair	P	
Fertilizer Manufacture and Sales	<del>CUPSUP</del>	
Fire Stations	P	
Industrial Supplies and Equipment sales and service,	P	

Locksmiths and Gun Smiths	P	
Manufacturing, Assembling and Processing Industries	<a href="#">CUPSUP</a>	YES
Machine and Welding Shops	P	
<b>LAND USE</b>	<b>P=Permitted by Right in this District</b>  -or-  <a href="#">CUPSUP=ConditionalSpecial Use</a> <b>Permit Required</b>	<b>Refer to Supplemental Regulations, Article XVI</b>
Monument Works and Sales	P	
Parking Facility	<a href="#">CUPSUP</a>	
Taxi Stands	P	
Temporary Mobile Food Sales	<a href="#">CUPSUP</a>	YES
Truck Terminals and Transfer Companies	P	
Telecommunications Facility/Tower	<a href="#">CUPSUP</a>	
Utility and Public Works Facility and Infrastructure	P	
Wholesale Sales	P	
Wholesale storage of gasoline, and oil products, including bottled gas and oxygen	P	YES

**B. [CONDITIONALSPECIAL USES](#)**

Any industrial use may be permitted which the Board of Commissioners finds can conform to the following requirements:

- (a) There is no unusual fire, explosion, or safety hazard.

- (b) There is no emission of fly ash, dust, fumes, vapors, mist, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property.
- (c) There is no production of heat or glare perceptible from any lot line of the premises on which the use is located.
- (d) There is no emission of any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside the premises.

**C. DIMENSIONAL REQUIREMENTS**

There are no minimum lot sizes in this district. (See Area, Yard and Height Requirements Chart)

**D. REQUIRED BUFFERS**

After the effective date of this Ordinance, where this district abuts a lot in a residential district or land occupied by any residential use permitted by this Ordinance, there shall be provided and maintained along said property line a continuous visual buffer. The buffer shall be a compact evergreen hedge or other type of evergreen foliage screening which shall reach a height of eight (8) feet within four years and shall be maintained at a minimum of eight feet in height thereafter, or shall be combined fence and shrubbery screen, the latter facing the residential use.

This requirement can be waived by the Board of Adjustment upon the recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography or may be deferred in isolated areas.

**E. OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be provided according to the provisions set forth in **Article VII of this Chapter**.

**F. SIGNS**

All signs shall conform to the provisions set forth in **Article IX of this Chapter**.

**SECTION 15.81. - OPEN SPACE DISTRICT (OSD).**

The open space zoning district is intended to preserve and enhance public and private open space, natural areas, and improved park and recreational areas. The district is used to implement the Comprehensive Land Use Plan designations of public parks, public open space/recreation, and private open space/recreation. Open space may

include landscape corridors, habitat mitigation areas, wetlands, wildlife habitat and corridors, lakes, trails, golf courses, and similar uses. Uses such as recreation centers, nature centers, public golf courses, and joint use facilities may be permitted with approval of a [conditionalSpecial](#) use permit.

**A. PERMITTED USES**

LAND USE	P=Permitted/ <a href="#">CUPSUP</a> = <a href="#">ConditionalSpecial</a> Use Permit Required	Refer to Supplemental Regulations, Article XVI
Child Care Center	<a href="#">CUPSUP</a>	
Crop Production	<a href="#">CUPSUP</a>	
Equestrian Facility	<a href="#">CUPSUP</a>	
Assembly Uses	<a href="#">CUPSUP</a>	
Cemeteries	<a href="#">CUPSUP</a>	
Community Garden	P	
Golf Courses, Par3	<a href="#">CUPSUP</a>	
Libraries and Museums	<a href="#">CUPSUP</a>	
Parks and Recreation	<a href="#">CUPSUP</a>	
Resource Protection and Restoration	P	
Resource-Related Recreation	P	
Schools	<a href="#">CUPSUP</a>	
Theaters and Auditoriums	<a href="#">CUPSUP</a>	

Bus and Transit Shelters	P	
Parking Facility	<a href="#">CUPSUP</a>	
Telecommunications Facility	<a href="#">CUPSUP</a>	
Utility Facility and Infrastructure	P	

**B. DIMENSIONAL REQUIREMENTS**

Minimum Lot Size	Minimum Lot Width at the Building Line	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback	Maximum Building Height
No Minimum	N/A	25 feet	25 feet	10 feet	25 feet	45 feet

**C. OFF-STREET PARKING AND LOADING**

Off-street parking and loading shall be provided according to the provisions set forth in *Article VII of this Chapter*.

**D. SIGNS**

All signs shall conform to the provisions set forth in *Article IX of this Chapter*.

**ARTICLE VII. –OFF-STREET PARKING AND LOADING.**

**SECTION 15.84. - GENERAL**

Off-street automobile parking or storage space shall be provided on the same lot as the principal use except in the Central Business District and as provided in **Section 15.87** below at the time or erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area;

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or before conversion from one type of use or occupancy to another, in the amount specified by this section. Such parking space may be provided in a covered parking structure or properly graded open space.

**SECTION 15.85. - CERTIFICATION OF MINIMUM PARKING REQUIREMENTS.**

Each application for a building permit or certificate of occupancy submitted to the Building Inspector as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of exit and entrance to such space. This information shall be in sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section are being met. The Board of Commissioners may, upon recommendation by the Planning Board, waive parking requirements for the CBD only.

**SECTION 15.86. - JOINT USE OF REQUIRED PARKING SPACES.**

The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half (1/2) of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

**SECTION 15.87. - REMOTE PARKING SPACE.**

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space shall be provided on any lot a substantial portion of which is within five hundred (500) feet of the main entrance of such principal use, provided such land is in the same ownership as the principal use or leased on a long-term basis for the specific purpose to serve as parking space for the aforesaid principal use.

**SECTION 15.88. - IMPROVEMENT AND LOCATION STANDARDS.**

- a) All off-street parking, including entrances, exits, and maneuvering and parking areas shall:
  - 1) Have the access drive(s) paved from the existing street paving to a point at least fifteen (15) feet beyond the public right-of-way, except that residential uses requiring less than five spaces shall be exempt from this paving requirement.
  - 2) Be permanently maintained by the owners.
- b) In addition, all parking lots that are used regularly at least five days per week, except as provided below, shall be paved up to the required paved driveway. This paving requirement shall not apply to:
  - 1) Parking lots used only by churches, private clubs, or similar organizations on an irregular schedule, and

2) Parking lots for residential uses where less than five spaces are required.

c) A strip of land five (5) feet wide adjoining any street line or any zoned for residential uses shall be preserved as open space, guarded with wheel bumpers and planted in shrubbery.

**SECTION 15.89. - MINIMUM OFF-STREET PARKING REQUIREMENTS.**

Off-street parking space shall be provided with vehicular access to a street or alley; 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 uses set forth below:

Use Classification	Parking Space Requirements
<b>Auditorium or Theater</b>	One (1) space for each four (4) seats in the largest assembly area.
<b>Banks</b>	One (1) parking space for each two hundred square feet of gross floor space plus one (1) space for each two (2) employees.
<b>Bowling Alley</b>	Three (3) spaces per alley plus requirements for any <del>other use</del> <a href="#">other use</a> associated with the establishment such as a restaurant, etc.
<b>Church</b>	One (1) space for each four (4) seats in the main chapel.
<b>Club or Lodge</b>	One (1) space for each two hundred (200) square feet of gross floor space.

<p><b>Golf Courses</b></p>	<p>Four (4) spaces for each hole plus requirements for any other use associated with the golf course (restaurant, etc.).</p>
<p><b>Home Occupation</b></p>	<p>In addition to residence requirements one (1) parking space per five hundred (500) square feet of floor space devoted to the home occupation use.</p>
<p><b>Hospital or Nursing Home</b></p>	<p>One (1) parking space for each two (2) beds plus one (1) <del>space for</del> space for each two (2) employees (nurses, attendants, etc.) plus one (1) space for each staff or visiting doctor.</p>
<p><b>Hotel</b></p>	<p>One (1) space for each room to be rented plus one additional space for each two (2) employees.</p>
<p><b>Industrial or Manufacturing</b></p>	<p>One (1) space for each two (2) employees on shift.</p>
<p><b>Establishment or Warehouse</b></p>	<p>One (1) parking space for each ten (10) managerial personnel, one (1) visitor parking space for each vehicle used directly in the conduct of the business.</p>
<p><b>Kindergarten or Nursery</b></p>	<p>One (1) space for each employee and four (4) spaces for off-street drop-off and pick-up.</p>



<b>Library</b>	One (1) space for each three (3) seats provided for patron use.
<b>Medical and Dental Offices</b>	Four (4) spaces for each physician or dentist practicing at the clinic, plus one (1) space for each employee.
<b>Mortuary or Funeral Home</b>	One (1) space for each four (4) seats in the assembly room or chapel.
<b>Motel, Motor Court or Tourist Home</b>	One (1) space for each unit plus one (1) space for each two (2) employees plus requirements for any other use associated with the establishment.
<b>Offices, Business and Public</b>	One (1) space for each two hundred (200) square feet of floor area.
<b>Offices, Professional</b>	One (1) parking space for each employee plus three (3) spaces for each professional member of the staff.
<b>Restaurant, Cafe, Tavern or other Place Serving Food and Drink</b>	One (1) space for each three (3) seats plus one (1) space for each two (2) employees.
<b>Restaurant, Drive-In</b>	One (1) space for each three (3) seats plus a minimum of fifteen (15) spaces for drive-in service plus one (1) space for each two (2) employees.
<b>Rooming and Boarding</b>	One (1) space for each two (2) guest rooms, plus one (1) Houses additional space for the owners.

<b>Retail Uses Not Otherwise</b>	One (1) parking space for space for each one hundred (100) square feet of gross floor area.
<b>School, Elementary and Jr. High</b>	One (1) space for each classroom and administrative office plus adequate facilities for school parking and convenient loading and unloading of students.
<b>Service Station</b>	Five (5) spaces for each lubrication rack and one (1) space for each two (2) employees.
<b>Shopping Center</b>	One (1) parking space for every one hundred fifty (150) square feet of overall floor area.
<b>Multi-Family Residence</b>	One and one-half (1 1/2) spaces for each dwelling unit.
<b>Single Family Residence and Duplex</b>	Two (2) spaces for each dwelling unit.
<b>Stadium</b>	One (1) space for each eight (8) seats.

Special situations which are not covered by the above shall be handled by the Board of Adjustment. In such cases the Board of Adjustment shall make the final determination as to the number of spaces to be ~~required, but~~ required but shall in all cases give due consideration to the needs and space ~~available, and~~ available and shall classify the proposed use in one of the categories listed above.

SECTION 15.90. - OFF-STREET LOADING.

- a) **Off-street loading and unloading space requirements:** Every building or structure used for business, trade, or industry hereafter erected, shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have adequate access to an alley or in the absence of an alley, a public street. For the purposes of this section, an off-street loading space shall have minimum dimensions of twelve (12) feet by fifty (50) feet exclusive of adequate access drives and maneuvering space, and overhead clearance of fifteen (15) feet in height above the alley or street grade. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, auditorium, theater, assembly hall, or other building of similar limited space requirement.

- b) **Number of required off-street loading spaces:**

Number of Square Feet of Gross Floor Area	Required Spaces
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	7
Each 90,000 above 400,000	1 additional

SECTION 15.91. – 15.95. - RESERVED.

**ARTICLE VIII. –MANUFACTURED HOME PARKS.**

**SECTION 15.96. - GENERAL.**

Manufactured Home Parks are a ~~conditional~~Special use in the R-MH and R-A districts of the Town of Ellerbe. Existing manufactured home parks are considered prior existing non-conforming uses as discussed in **Section 15.41** with some exceptions. Existing mobile home parks will be allowed to continue operation only by complying with the standards outlined in **Section 15.99**.

**SECTION 15.97. - PERMITS.**

- a) It shall be unlawful for any person to maintain or operate a manufactured ~~home-park~~home park within the jurisdiction of this ordinance unless such person shall first obtain from the Board of Commissioners a Manufactured Home Park Operating Permit as described below.
- b) The Manufactured Home Park Operating Permit shall be issued and subsequently renewed if the Town finds that all the provisions of this ordinance are being met.
- c) No Manufactured Home Park Operating Permit shall be issued for ~~any-manufactured~~any ~~manufactured~~ home park until the compliance plan has been approved by the Board of Commissioners.
- d) A Temporary Manufactured Home Park Operating Permit, valid for six (6) months shall be issued by the Zoning Officer permitting an existing park to be maintained and operated while the compliance plan is being prepared.
- e) No person shall make any additions to a manufactured home park that alters ~~the-number~~the ~~number~~ of sites for manufactured homes within the park without the express permission of the Board of Commissioners. In addition, no person shall make any alteration to a park that affects the facilities required therein until he first secures a Business License authorizing such alteration.

**SECTION 15.98. - PROCEDURE.**

- a) Once a Temporary Manufactured Home Park Operating Permit has been issued, a park owner will have a six-month period to develop and submit a park compliance plan to the Board of Commissioners.
- b) The Park Compliance Plan shall show how the park presently complies or ~~will, within~~will, within ~~a~~ ~~three-year~~three-year period, comply with all standards listed in **Section 15.99**.
- c) Once the Park Compliance Plan is approved by the Board of Commissioners, the park owner will be issued a Manufactured Home Park Operating Permit, which is valid for three years. Six months prior to its expiration, the park owner will receive notice that the Manufactured Home Park Operating Permit must be renewed.

- d) If no compliance plan is submitted, the park owner shall be considered to have chosen not to comply with the standards set forth in [Section 15.99 and](#) will be considered to have chosen the alternative of ceasing operation upon the expiration of his Temporary Manufactured Home Park Operating Permit.
- e) Upon recommendation by the Planning Board, the Board of Commissioners may waive an operating standard if the Board determines it infeasible for the operator.

SECTION 15.99. - OPERATING STANDARDS FOR MANUFACTURED HOME PARKS EXISTING AT THE TIME OF ADOPTION OF THIS ORDINANCE.

- a) Underpinning. All manufactured homes within a Manufactured Home Park shall meet underpinning requirements outlined in Section 5.14.
- b) Utilities. The manufactured home park and all occupied units located in it must be connected to the municipal water and sewerage systems or other systems approved by the Richmond County Health Department or the North Carolina Division of Health Services and the North Carolina Division of Water Quality. Each manufactured home park space shall have hookup facilities for water, sewer, electricity, and telephone services. All occupied manufactured home units shall have and use sanitary facilities within the manufactured home unit.
- c) Other Permitted Uses. Service buildings, recreation buildings, and other areas or structures providing laundry, sanitation and managerial facilities are permitted and shall serve only the park in which they are located. No such facility shall have direct access to a public street but shall be served by the privately maintained roadway.
- d) Screening and Landscaping. The manufactured home park shall have a screening strip of plant material adjacent to and within the park boundary extending along the entire perimeter of the park. This requirement may be waived by the Town Board of Commissioners upon the recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography. Screening strips shall not be a portion of any manufactured home space, street, or private drive. The park shall be completely screened at a height of four (4) to six (6) feet from the view of adjacent properties. Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.
- e) One Manufactured Home Per Space. No more than one (1) manufactured home may be parked on any manufactured home space.
- f) Common Recreation Space. At least eight percent (8%) of the total gross acreage of the park shall be reserved and developed as a common recreation space for the residents of the park. This

recreation space shall be identified on all plans and approved by the Planning Board and the Town Board of Commissioners. Such areas shall be adequately lighted for safety.

- g) **Parking.** Parking spaces sufficient to accommodate at least two (2) automobiles shall be constructed within each manufactured home space and they shall be graveled or covered with four (4) inches of crushed stone.

**SECTION 15.100. - OPERATING STANDARDS FOR NEW MANUFACTURED HOME PARKS.**

- a) **Area.** The lot area of the manufactured home park shall be a minimum of two acres.
- b) **Density.** There shall be a maximum of four (4) manufactured homes per acre.
- c) **Utilities.** The manufactured home park and all occupied units located in it must be connected to the municipal water and sewerage systems or other systems approved by the Richmond County Health Department or the North Carolina Division of Health Services and the North Carolina Division of Water Quality.
- d) **Dimensional Requirements.** The following dimensional requirements will be met:

<b>Minimum mobile home park area</b>	Two acres
<b>Minimum park width</b>	100 feet
<b>Maximum density</b>	4 units per acre
<b>Minimum size of manufactured home space:</b>	
<b>Single-wide</b>	6,500 square feet

<b>Double-wide</b>	7,500 square feet
<b>Minimum Setbacks (any attached structure, such as room extensions, porches, carports, etc. shall be considered to be part of the manufactured home)</b>	
<b>Front Yard</b>	25 feet
<b>Side Yard</b>	10 feet
<b>Rear Yard</b>	25 feet
<b>Maximum Building Height</b>	40 feet

- e) Other Permitted Uses. Service buildings, recreation buildings, and other areas or structures providing laundry, sanitation and managerial facilities are permitted and shall serve only the park in which they are located. No such facility shall have direct access to a public street but shall be served by the privately maintained roadway.
- f) Access and Parking. Paved or gravel, privately maintained roadways must be provided for access to individual units and other facilities located within the park. No manufactured home shall have direct access to a public street.
- g) Screening and Landscaping. The manufactured home park shall have a screening strip of plant material five adjacent to and within the park boundary extending along the entire perimeter of the park. This requirement may be waived by the Board of Commissioners upon the recommendation of the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography. Screening strips shall not be a portion of any manufactured home space, street, or private drive. The park shall be completely screened at a height of four (4) to six (6) feet from the view of adjacent properties. Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.

- h) One Manufactured Home Per Space. No more than one (1) manufactured home may be parked on any manufactured home space.
- i) Common Recreation Space. At least eight percent (8%) of the total gross acreage of the park shall be reserved and developed as a common recreation space for the residents of the park. This recreation space shall be identified on all plans and approved by the Planning Board and the Board of Commissioners. Such areas shall be adequately lighted for safety.

**SECTION 15.101. - MANUFACTURED HOME PARKS SPACE REQUIREMENTS (APPLIES TO NEW MANUFACTURED HOME PARKS ONLY).**

- a) Access. Each space shall have access to an interior roadway with a width of at least 18 feet. No space shall have direct access to a public street.
- b) Clearance. Each space shall be designed so that at least 20 feet clearance will be maintained between units and other structures within the park.
- c) Setbacks. Manufactured home units shall be located so that at a 25-foot setback is maintained from the centerline of the private interior roadway.
- d) Minimum Size. A single-wide manufactured home space shall consist of a minimum of 6,500 square feet - 7,500 square feet for double-wide homes.
- e) Parking. Parking spaces sufficient to accommodate at least two (2) automobiles shall be constructed within each manufactured home space and they shall be graveled or covered with four (4) inches of crushed stone.
- f) Grading. Each manufactured home space shall be graded and graded areas grassed to prevent erosion and provide adequate storm drainage away from the manufactured home.
- g) Utilities. Each space shall have hook-up facilities for water, sewer, [electricity](#), and telephone services. All occupied manufactured home units shall have and use sanitary facilities within the manufactured home unit.

**SECTION 15.102. - ADDITIONAL REQUIREMENTS.**

Within a reasonable time (not to exceed six months) after being located in a manufactured home park, each manufactured home shall be underpinned with materials and in a manner approved by the administrative officer.

**SECTION 15.103. - APPLICATION PROCEDURE FOR [SPECIAL](#) USE PERMIT FOR A MOBILE HOME PARK.**

- a) **Preliminary Plan: A preliminary plan drawn to a scale of not less than 1" = 200' nor more than 1" = 50'** may be submitted to the Board of Commissioners prior to [application](#) for a permit. The sketch plan should include among other things:



1. location of drives and parking areas;
2. location of manufactured home spaces;
3. location and sizes of service buildings and other service area;
4. topography and contours in areas where major grading will occur; and
5. location, type and size of water supply and sewage systems.

The owner and developer may discuss the proposed manufactured home park plan with the Zoning Enforcement Officer to determine if the proposal meets the requirements and intent of this Ordinance.

- b) **Final Plan:** Applications to the Board of Commissioners for a [Special](#) use permit to construct, alter, or enlarge a mobile home park shall be accompanied by a plan for the park, prepared by a registered engineer or architect, drawn to a scale of not [less than](#) 1" = 200' nor more than 1' = 50'. Three copies shall be submitted. The plan shall show the following:

1. locations of manufactured home spaces;
2. drives, parking areas, walks, and access to a public street;
3. the name of the manufactured home park, the name(s) and the addresses of the owner(s), the developer if applicable and the designer of the park.
4. date, scale, and approximate North arrow;
5. location and uses of any proposed buildings and building lines;
6. proposed storm drainage plan for the entire manufactured home park;
7. location and dimensions of all recreation areas, open spaces and parks.

- c) When public water or public sewer is not available, a written statement from the County Health Department shall be submitted with the manufactured home park plan indicating that the manufactured home park has adequate land area and suitable topography and soils to accommodate the proposed methods of water supply and sewage disposal.

- d) Where a park is to be developed in sections, the plan shall show which part is to be developed initially. No permit shall be issued for the initial establishment of any section of a manufactured home park with less than 5 spaces.

SECTION  
15.104. -  
CERTIFICAT

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When the developer of the manufactured home park is satisfied that construction has been completed in accordance with the terms of the [Special](#) use granted by the Board of Commissioners, certification of the completion shall be made, and the site shall be inspected by the Zoning Enforcement Officer or his representative. After completion of the manufactured home park in compliance with the approved plan and other application regulations has been ascertained, the Certificate of Occupancy shall be issued by the Zoning Enforcement Officer.

The manufactured home park shall be maintained in compliance with the terms of the [Special](#) use permit. In the event of violation of the [Special](#) use permit, the Certificate of Occupancy may be revoked for a specific section of a manufactured home park which is in violation or for the manufactured home park in its entirety if necessary.

**SECTION 15.105. - ANNUAL INSPECTIONS OF MANUFACTURED HOME PARKS.**

The Richmond County Health Department and Ellerbe Zoning Enforcement Officer may conduct as many inspections of mobile home parks as deemed necessary to insure the maintenance of applicable standards. The operators of mobile home parks in the town shall once a year pay an annual inspection fee as posted in the Town Clerk's Office and the Certificate of Occupancy may be revoked if the fee is not paid.

**SECTIONS 15.106. - 15.110. - RESERVED.**

**ARTICLE IX. – SIGNS.**

**SECTION 15.111. - GENERAL.**

It is the purpose of this section to permit signs of a commercial, industrial, and residential nature and to regulate the size and placement of signs which are visible from any public way. These regulations shall apply to all districts. No exterior sign may be erected, painted, repainted, posted, reported, placed, replaced or hung in any district, except in compliance with these regulations.

- A. **Permit Required.** With the exception of those signs specifically authorized below, no sign may be erected without a permit from the Zoning Enforcement Officer.
- B. **Permit Application.** Application for permits shall be submitted on forms obtainable at the Office of the Zoning Enforcement Officer. Each application shall be accompanied by plan which shall:
  - (1) indicate the proposed site by identifying the property by ownership, location and use; and
  - (2) show the location of the sign on the lot in relation to property lines and building, zoning district boundaries, right-of-way lines, and existing signs; and
  - (3) show size, character, complete structural specifications and methods of anchoring and support.

If conditions warrant, the Zoning Enforcement Officer may require such additional information as will enable him to determine if such sign is to be erected in conformance with this Ordinance.

- C. **Structural Requirements.** Structural Requirements for signs shall be those requirements found in the North Carolina State Building Code.
- D. **Sign Area Computation.** Sign area shall be computed by the smallest square, triangle, rectangle, circle or combination thereof which will encompass the entire sign, including lattice work, wall work, frame or supports incidental to its decoration. In computing the area, only one (1) side of a double face sign structure shall be considered.
- E. **Fees.**
  - (1) No permit shall be issued until the exact dimensions and area of the sign have been filed with the Zoning Enforcement Officer and the fees posted in the Town Clerk's office paid accordingly.
  - (2) Exempt from this fee requirement shall be those signs specified below.
- F. **Maintenance.** All signs, together with all their supports and braces, shall be kept in a state of good repair and in a neat and clean condition. No sign shall be continued which becomes, in the opinion of the Zoning Enforcement Officer, structurally unsafe and endangers the safety of the public or property. The Zoning Enforcement Officer may order the removal of any sign that is not maintained in accordance with the provisions of this section. Such removal shall be at the expense

of the owner or lessee and shall occur within ten days after written notification thereof by the Zoning Enforcement Officer. If such order is not complied with in thirty (30) days the Zoning Enforcement Officer shall remove such at the expense of the owner or lessee thereof.

G. **Location Restrictions.**

- (1) No sign shall be permitted on any public right-of-way except as specifically authorized herein.
- (2) No sign (including temporary signs) shall be attached to or painted neither on any telephone pole, telegraph pole, power pole, or other man-made object not intended to support a sign, nor on any tree, rock or other natural object except as specifically authorized herein. In addition, signs shall not be allowed to be attached to a building facade unless they advertise the specific business conducted therein.
- (3) Signs shall not obstruct any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress for any building, structure, or lot. H.

**Setback and Height Requirements.**

- (1) Except as otherwise provided herein, signs are required to observe the same yard setback and height regulations as other principal structures or buildings.
- (2) If the lot on which a ground sign is to be located is zoned other than residential, but is immediately adjacent to a lot zoned for residential use, then a distance of at least fifty (50) feet shall intervene between the closest part of such sign and the adjacent lot line of the property in the residential district. Provided further, that all out-door advertising signs shall conform to Section 15.115.

I. **Murals.** Decorative murals shall be fully described on the sign permit and shall be in character with their surroundings.

J. **Non-Conforming Signs.** No non-conforming sign erected before the adoption of this Ordinance shall be moved or replaced, without complying with the provisions of this Ordinance. All signs existing on the effective date of this article which do not conform to the requirements set forth herein shall be removed or brought into compliance within thirty-six months (36) from the effective date hereof; however, a non-conforming business or industry shall, after the three year period, be allowed one sign not exceeding 12 square feet on a side or a total of twenty square feet, which sign shall be affixed to the building and have only non-flashing illumination.

Any nonconforming sign in a non-residential district which is nonconforming only with respect to the sign area requirements shall have five (5) years to conform to the provisions of this Ordinance.

**SECTION 15.112. - SIGNS NOT REQUIRING A PERMIT FROM THE ZONING ENFORCEMENT OFFICER.**

A. **Types of Signs:** The signs listed below shall not require a permit from the Zoning Enforcement

- Officer. However, all signs using electrical wiring and connection shall require an electrical permit.
1. **Directional and information signs** erected and maintained by public agencies and governmental bodies;
  2. **Quasi-public signs**, not to exceed four (4) square feet in area. Such signs shall only be used for the purpose of stating or calling attention to;
    - (a) the name or location of the town, hospital, community center, public or private school, church, synagogue, or other place of worship;
    - (b) the name of a place of meeting or an official or civic body such as the Chamber of Commerce, service club, or fraternal organization;
    - (c) an event of public interest such as public hearing, rezoning, announcement, general election, church or public meeting; local or county fair; and other similar community activities and campaigns;
    - (d) soil conservation, 4-H and similar projects; and zoning and subdivision jurisdiction boundaries;
    - (e) political campaigns provided that such signs shall be removed within one week following the election or town staff may be required to remove the signs and charge a fee posted in town hall;
    - (f) yard sales providing the signs are posted on the premises where the sales are to be held, not more than one week prior to the sale and removed the day following the sale.
  3. **Professional and Home Occupations Signs:**
    - (a) one sign per lot not to exceed two (2) square feet attached to the principal structure;
    - (b) one sign per lot not to exceed two (2) square feet located at least ten (10) feet from the street line and side property lines. Where side yards are required, no such sign shall be permitted in the required side yards;
    - (c) no such signs shall be illuminated in [any residential](#) district.
  4. **Temporary Subdivision Sign.** Subdivision development signs, not over sixty-four (64) square feet in area which direct attention to the opening of a new subdivision may be erected on the site of such new subdivision. Only indirect illumination with white light will be permitted. Such sign shall be removed when seventy-five (75) percent of the subdivision is sold.
  5. **Bulletin Board.** One bulletin board for each school or other public building and for each church, synagogue or place of worship, provided that it is located on the same premises

and shall not exceed fifty (50) square feet. Such bulletin board may be free standing or attached. In residential districts, illumination of bulletin boards shall be white, non-flashing lights.

6. **Temporary Signs.**

- (a) **Real Estate:** One (1) temporary real estate sign not exceeding four (4) square feet in area may be placed on a property that is for sale, lease, rent, or barter; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. Such signs shall not be illuminated.
- (b) **Other Temporary Advertising Signs:** Temporary advertising signs shall be permitted providing that such signs shall not exceed six (6) square feet in area in residential districts and shall be spaced no closer than 100 feet apart.
- (c) **Construction Signs:** One (1) temporary construction sign may be erected on the site during the period of construction or reconstruction to announce the name of the owner and/or developer, the name of the structure and its use or occupants to be, contractor, subcontractor, architect, and engineer; however, when the property on which said sign is placed fronts on more than one (1) street, one (1) sign shall be allowed on each street frontage. Such signs shall be removed when the building has been approved for occupancy by the Zoning Enforcement Officer. Maximum size of construction signs in the residential zone shall be twenty-four (24) square feet; in all other zones, seventy-two (72) square feet.

B. **Setback Requirements for Signs Not Requiring a Building Permit**

Signs which do not require a permit from the Zoning Enforcement Officer shall be set back at least ten (10) feet from any public right-of-way line or property line and shall be setback at least twenty-five (25) feet from any road intersection.

**SECTION 15.113. - PERMANENT SIGNS FOR SUBDIVISIONS.**

One permanent subdivision sign per major entrance is permitted. Exception: if a subdivision name sign is incorporated into gateposts, brick walls, or similar structures making the entrance, the name may appear on both sides of the entrance as a substitute for other subdivision identification signs. A. Total area per entrance is sixty-four (64) square feet.

- B. Signs shall be placed on private property no closer than ten (10) feet to any property line.
- C. Illumination is restricted to white indirect lighting.
- D. Content of sign is limited to the name of the subdivision.

SECTION 15.114. - BUSINESS AND INDUSTRIAL SIGNS.

Business and industrial signs shall be permitted on the premises in districts in which the principal use is permitted subject to the following limitations:

- A. They shall not project more than 1 foot from any building wall or canopy.
- B. If suspended from a canopy, the sign must be at least eight (8) feet above the sidewalk level.
- C. Non-illuminated signs shall have a total surface area in square feet per establishment no greater than two (2) times the street frontage of the lot, in feet, but in no case shall the total for all signs be greater than 100 square feet.
- D. Illuminated signs shall have a total sign surface area in square feet per establishment, no greater than (2) times the street frontage of the lot, in feet, but in no case shall the total for signs be greater than 50 square feet. Display lighting shall be shielded so as to prevent a direct view of the light source from a residence in a residential district. No intermittent lighting effect may be utilized.
- E. Freestanding signs shall be located not less than 12 feet from the street lot line or behind the setback line, whichever is greater. No freestanding sign shall be located in a required side yard or within 10 feet of the side property line. If a freestanding sign is utilized, the total allowable sign area may be increased by 25 percent.
- F. One freestanding shopping center identification sign is permitted per shopping center. The maximum area per sign is 200 square feet for centers having up to 15 businesses and 300 square feet for centers having more than 15 businesses.
- G. One manufactured home park sign is permitted per major entrance to a mobile home park. Area of each sign shall not be more than one-half square foot per manufactured home space, but not to exceed fifty (50) square feet. Setback shall be at least 10 feet from the front property line; illumination is restricted to indirect white lighting.

SECTION 15.115. - OUTDOOR ADVERTISING SIGNS.

Outdoor advertising signs are allowed as a [Special](#) use in the Industrial District subject to the provision of this Ordinance and the following limitations:

- A. They meet all requirements of the industrial district applying to the principal structures with regard to yards, setbacks, and height requirements.
- B. Such signs shall not be located within 100 feet of any residential district.
- C. No two outdoor advertising signs shall be spaced less than 300 feet apart.
- D. Maximum area of any outdoor advertising sign is six hundred seventy-two (672) square feet.

SECTIONS 15.116 – 15.120. - RESERVED.

**ARTICLE X. – WIRELESS COMMUNICATION FACILITIES**

**SECTION 15-121. – PURPOSE AND LEGISLATIVE INTENT.**

The purpose of this Wireless Telecommunications Ordinance is to provide for the public health, safety and welfare by ensuring that residents, businesses and public safety operations in the Town of Red Springs have reliable access to telecommunications networks and state of the art mobile broadband communications services while also ensuring that this objective is accomplished according to [Jurisdiction’s] zoning, planning and design standards. To accomplish the above stated objectives and to ensure that the placement, construction or modification of wireless telecommunications facilities complies with all applicable federal laws, including without limitation Section 6409 of the federal Middle Class Tax Relief and Job Creation Act of 2012, 47U.S.C. 1455(a), which, among other things, creates a national wireless emergency communications network for use by first responders that in large measure will be dependent on facilities placed on existing wireless communications support structures, the Town of Red Springs adopts this single, comprehensive wireless telecommunications ordinance. By enacting this Ordinance it is the town’s intent to ensure Red Springs has sufficient wireless infrastructure to support its public safety communications throughout the Town of Red Springs and to ensure access to reliable wireless communications services throughout all areas of the Town.

**SECTION 15-122. – DEFINITIONS.**

For the purposes of this Ordinance, the following definitions apply:

Abandonment – Cessation of use of a wireless support structure for wireless telecommunications activity for at least the minimum period of time specified under this ordinance.

Accessory Equipment - Any equipment serving or being used in conjunction with a wireless facility or wireless support structure. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

Administrative Approval - Approval that the [Code Administrator] or designee is authorized to grant after administrative review.

Administrative Review - Non-discretionary evaluation of an application by the [Code Administrator] or designee. This process is not subject to a public hearing. The procedures for administrative review are established in Section IV. of this Ordinance. Antenna - Communications equipment that transmits, receives or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

Base Station - A station at a specific site authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics.

Carrier on Wheels or Cell on Wheels (COW) - A portable self-contained wireless facility that can be moved to a location and set up to provide wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

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Collocation - The placement or installation of wireless facilities on existing structures, including electrical transmission towers, water towers, buildings and other structures capable of structurally supporting the attachment of wireless facilities in compliance with applicable codes.

Concealed Wireless Facility - Any wireless facility that is integrated as an architectural feature of an existing structure or any new wireless support structure designed to camouflage or conceal the presence of antennas or towers so that the purpose of the facility or wireless support structure is not readily apparent to a casual observer.

Electrical Transmission Tower - An electrical transmission structure used to support high voltage overhead power lines. The term shall not include any utility pole.

Eligible Facilities Request - A request for modification of an existing wireless tower or base station that involves collocation of new transmission equipment or replacement of transmission equipment but does not include a substantial modification.

Equipment Compound - An area surrounding or near the base of a wireless support structure within which are located wireless facilities.

Existing Structure - A wireless support structure, erected prior to the application for an eligible facilities request, collocation or substantial modification under this ordinance that is capable of supporting the attachment of wireless facilities. The term includes but is not limited to, electrical transmission towers, buildings and water towers. The term shall not include any utility pole.

Fall Zone - The area in which a wireless support structure may be expected to fall in the event of a structural failure, as measured by engineering standards.

Micro wireless facility. - A small wireless facility that is no larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, no longer than 11 inches.

Monopole - A single, freestanding pole-type structure supporting one or more antennas. For the purposes of this Ordinance, a monopole is not a tower or a utility pole.

Ordinary Maintenance - Ensuring that wireless facilities and wireless support structures are kept in good operating condition. Ordinary maintenance includes inspections, testing and modifications that maintain functional capacity and structural integrity; for example, the strengthening of a wireless support structure's foundation or of the wireless support structure itself. Ordinary maintenance includes replacing antennas of a similar size, weight, shape and color and accessory equipment within an existing equipment compound and relocating the antennas to different height levels on an existing monopole or tower upon which they are currently located. Ordinary maintenance does not include substantial modifications.

Replacement Pole - Pole of equal proportions and of equal height or such other height that would not constitute a substantial modification to an existing structure in order to support wireless facilities or to accommodate collocation. Requires removal of the wireless support structure it replaces.

Small wireless facility. - A wireless facility that meets the following qualifications:

a. Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than 6 cubic feet.

b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet. For the purposes of this sub-subdivision, the following types of ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, or other support structures.

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**Substantial Modification** - The mounting of a proposed wireless facility or wireless facilities on a wireless support structure that substantially changes the physical dimensions of the support structure. A mounting is presumed to be a substantial modification if it meets any one or more of the following criteria:

- (i) increases the existing vertical height of the wireless support structure by (a) more than ten percent (10%), or (b) the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
- (ii) adds an appurtenance to the body of a wireless support structure that protrudes horizontally from the edge of the wireless support structure more than twenty (20) feet, or more than the width of the wireless support structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable);
- (iii) increases the square footage of the existing equipment compound by more than 2,500 square feet.

**Tower** - A lattice-type structure, guyed or freestanding, that supports one or more antennas.

**Utility Pole** - A structure owned and/or operated by a public utility, municipality, electric membership corporation or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

**Water Tower** - A water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

**Wireless Facility or Wireless Facilities** - The set of equipment and network components, exclusive of the underlying wireless support structure, including, but not limited to, antennas, accessory equipment, transmitters, receivers, base stations, power supplies, cabling and associated equipment necessary to provide wireless telecommunications services.

**Wireless Support Structure** - A freestanding structure, such as a monopole or tower, designed to support wireless facilities. This definition does not include utility poles.

**SECTION 15-123. – APPROVALS REQUIRED FOR WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES.**

- (a) **Administrative Review and Approval.** The following types of applications are subject to the review process as provided in Section 11-134. No other type of zoning or site plan review is necessary:

- (1) New wireless support structures that are less than sixty (60) feet in height, in any zoning district;
  - (2) New wireless support structures that are less than two hundred (200) feet in height, in any Industrial District;
  - (3) Concealed wireless facilities that are sixty (60) feet or less in height, in any residential district;
  - (4) Concealed wireless facilities that are one hundred fifty (150) feet or less in height, in any zoning district except residential districts;
  - (5) Monopoles or replacement poles located on public property or within utility easements or rightsof-way, in any zoning district;
  - (6) COWs, in any zoning district, if the use of the COW is either not in response to a declaration of an emergency or disaster by the Governor, or will last in excess of one hundred-twenty (120) days;
  - (7) Substantial modifications;
  - (8) Collocations.
- (b) **Special Use Permit.** Any application for wireless facilities and/or wireless support structures not subject to administrative review and approval pursuant to this Ordinance shall be permitted in any district upon the granting of a [Special](#) use permit from the Board of Adjustment in accordance with the standards for granting [Special](#) use permits set forth in applicable the Town of Red Springs ordinances.
- (c) **Exempt from All Approval Processes.** The following are exempt from all the Town zoning approval processes and requirements:
- (1) Removal or replacement of transmission equipment on an existing wireless tower or base station that does not result in a substantial modification as defined in this ordinance.
  - (2) Ordinary maintenance of existing wireless facilities and wireless support structures, as defined in this Ordinance;
  - (3) Wireless facilities placed on utility poles; and
  - (4) COWs placed for a period of not more than one hundred twenty (120) days at any location within the town or after a declaration of an emergency or a disaster by the Governor.

**SECTION 15-124. – ADMINISTRATIVE REVIEW AND APPROVAL PROCESS.**

- (a) **Content of Application Package-For New Sites.** All administrative review application packages must contain the following:
- (1) Administrative review application form signed by applicant;

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- (2) Copy of lease or letter of authorization from property owner evidencing applicant's authority to pursue application. Such submissions need not disclose financial lease terms; and
  - (3) Site plans detailing proposed improvements which complies with [Jurisdiction's existing site plan requirements]. Drawings must depict improvements related to the applicable requirements including property boundaries, setbacks, topography, elevation sketch, and dimensions of improvements.
  - (4) Documentation from a licensed professional engineer of calculation of the fall zone and certification that the wireless support structure has sufficient structural integrity to accommodate the required number of additional users as provided in this ordinance.
- (b) **Content of Application Package-For Other Sites/Facilities.** All administrative review application packages must contain the following:
- (1) Administrative review application form signed by applicant;
  - (2) For collocations and substantial modifications, written verification from a licensed professional engineer certifying that the host support structure is structurally and mechanically capable of supporting the proposed additional antenna or configuration of antennas.
  - (3) For substantial modifications, drawings depicting the improvements along with their dimensions.
- (c) **Fees.** The total fees for reviewing an administrative review application shall;
- (1) In the case of an application for collocation, a monopole or replacement pole, a concealed wireless facility, a non-exempt COW or a substantial modification, the lesser of [Jurisdiction's] actual, direct costs (including third-party costs such as consultants fees) incurred for the review, or \$500.00; and
  - (2) In the case of an application for a new wireless support structure subject to administrative review and approval, the lesser of the town's actual, direct costs incurred for the review (including third-party costs such as consultants fees), or \$1,500.00. Applications for new wireless support structures with proposed wireless facilities shall be considered together as one application requiring only a single application fee. An applicant for administrative review shall submit an initial deposit of \$500.00 toward the fees to be paid under this section of the Ordinance.
- (d) **Procedure and Timing.**
- (1) **Applications for Collocation, Monopole or Replacement Pole, Concealed Wireless Facility, Non-exempt COW or Substantial Modification.** Within thirty (30) days of the receipt of an application for a collocation, a monopole or replacement pole, a concealed wireless facility, a non-exempt COW or a substantial modification, the [Code Administrator] will:
    - (a) Review the application for conformity with this Ordinance. An application under this Section IV.D.1 is deemed to be complete unless the [Code Administrator] notifies the

applicant in writing, within ten (10) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take ten (10) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within ten (10) calendar days, the application shall be reviewed and processed within thirty (30) calendar days from the initial date the application was received. If the applicant requires a period of time beyond ten (10) calendar days to cure the specific deficiencies, the thirty (30) calendar days deadline for review shall be extended by the same period of time;

- (b) Make a final decision to approve the collocation application or approve or disapprove other applications under his Section D (1); and
- (c) Advise the applicant in writing of its final decision. If the [Zoning Authority] denies an application, it must provide written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance.
- (d) Failure to issue a written decision within thirty (30) calendar days shall constitute an approval of the application.

(2) **Applications for New Wireless Support Structures That Are Subject to Administrative Review and Approval.** Within ~~forty-five~~ (45) calendar days of the receipt of an application for a new wireless support structure that is subject to administrative review and approval under this Ordinance, the [Code Administrator] will:

- (a) Review the application for conformity with this Ordinance. An application under this Section IV.D.2 is deemed to be complete unless the [Code Administrator] notifies the applicant ~~in writing~~, within fifteen (15) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take fifteen (15) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within fifteen (15) calendar days, the application shall be reviewed and processed within ~~forty-five~~ (45) calendar days from the initial date the application was received. If the applicant requires a period of time beyond fifteen (15) calendar days to cure the specific deficiencies, the ~~forty-five~~ calendar days deadline for review shall be extended by the same period of time;
- (b) Make a final decision to approve or disapprove the application; and
- (c) Advise the applicant in writing of its final decision. If the [Zoning Authority] denies an application, it must provide written justification of the denial, which must be based on substantial evidence of inconsistencies between the application and this Ordinance.
- (d) Failure to issue a written decision within ~~forty-five~~~~forty-five~~ (45) calendar days shall constitute an approval of the application.

- (3) **Building Permit.** A Building Inspector shall issue a building permit following approval of the application under administrative review in accordance with the process and standards in this Ordinance.

SECTION 15-125. – **SPECIAL** USE PERMIT PROCESS.

- (a) Any wireless facility or wireless support structures not meeting the requirements of Section III.A or III.C above, may be permitted in all zoning districts upon the granting of a **Special** Use Permit, subject to:
- (1) The submission requirements of Section V.B below; and
  - (2) The applicable standards of Section VI below; and
  - (3) The requirements of the **Special** use permit general conditions at Code Section \_\_\_\_.  
[Insert cross reference to Jurisdiction code section that establishes general conditions applicable to **Special** use permits]
- (b) Content of **Special** Use Permit Application Package. All **Special** use permit application packages must contain the following:
- (1) **Special** use permit application form signed by applicant;
  - (2) Copy of lease or letter of authorization from the property owner evidencing applicant's authority to pursue zoning application. Such submissions need not disclose financial lease terms;
  - (3) Written description and scaled drawings of the proposed wireless support structure or wireless facility, including structure height, ground and structure design, and proposed materials;
  - (4) Number of proposed antennas and their height above ground level, including the proposed placement of antennas on the wireless support structure;
  - (5) Line-of-sight diagram or photo simulation, showing the proposed wireless support structure set against the skyline and viewed from at least four (4) directions within the surrounding areas;
  - (6) A statement that the proposed wireless support structure will be made available for collocation to other service providers at commercially reasonable rates, provided space is available and consistent with Section VI(A)(1)(a) of this Ordinance; and
  - (7) Notification of surrounding property owners and posting as required by this Code.
- (c) Fees. The total fees for reviewing a **Special** use permit application shall be the lesser of the Town's actual, direct costs (including third-party costs such as consultant's fees) incurred for the review, or \$3,000.00. Applications for new wireless support structures with proposed wireless facilities shall be considered together as one application requiring only a single application fee. An applicant for administrative review shall submit an initial deposit of \$1,000.00 toward the fees to be paid under this section of the Ordinance.
- (d) Procedure and Timing. Within one hundred fifty (150) calendar days<sup>15</sup> of the receipt of an application under Section V. of this Ordinance, the [Code Administrator] will:

- (1) Complete the process for reviewing the application for conformity with ordinances applicable to [Special](#) use permits, including conducting a hearing in accordance with [insert Jurisdiction's relevant hearing rules]. An application under this Section V. is deemed to be complete unless the [Code Administrator] notifies the applicant in writing, within thirty (30) calendar days of submission of the application of the specific deficiencies in the application which, if cured, would make the application complete. Upon receipt of a timely written notice that an application is deficient, an applicant may take thirty (30) calendar days from receiving such notice to cure the specific deficiencies. If the applicant cures the deficiencies within thirty (30) calendar days, the application shall be reviewed and processed within one hundred fifty (150) calendar days from the initial date the application was received. If the applicant requires a period of time beyond thirty (30) calendar days to cure the specific deficiencies, the one hundred fifty (150) calendar days deadline for review shall be extended by the same period of time;
- (2) Make a final decision to approve or disapprove the application; and
- (3) Advise the applicant in writing of its final decision. If the [Zoning Authority] denies an application, it must provide written justification of the denial.
- (4) Failure to issue a written decision within one hundred fifty (150) calendar days shall constitute an approval of the application.

SECTION 15-126. – GENERAL STANDARDS AND DESIGN REQUIREMENTS.

(a) Design

- (1) Wireless support structures shall be subject to the following:
  - (a) Shall be engineered and constructed to accommodate a minimum number of collocations based upon their height:
    - (i) Support structures sixty (60) to one hundred (100) feet shall support at least two (2) telecommunications providers;
    - (ii) Support structures greater than one hundred (100) feet but less than one hundred-fifty feet (150) shall support at least three (3) telecommunications providers;
    - (iii) Support structures greater than one hundred-fifty (150) feet in height shall support at least four (4) telecommunications carriers.
  - (b) The equipment compound area surrounding the wireless support structure must be of sufficient size to accommodate accessory equipment for the appropriate number of telecommunications providers in accordance with Section VI (A) (I) (a).
- (2) Concealed wireless facilities shall be designed to accommodate the collocation of other antennas whenever economically and technically feasible. Antennas must be enclosed, camouflaged, screened, obscured or otherwise not readily apparent to a casual observer.

(3) Upon request of the applicant, the [Zoning Board or Code Administrator] may waive the requirement that new wireless support structures accommodate the collocation of other service providers if it finds that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennas will promote community compatibility.

(4) A monopole or replacement pole shall be permitted within utility easements or rights-of-way, in accordance with the following requirements:

(a) The utility easement or right-of-way shall be a minimum of one hundred (100) feet in width.

(b) The easement or right-of-way shall contain overhead utility transmission and/or distribution structures that are eighty (80) feet or greater in height.

(c) The height of the monopole or replacement pole may not exceed by more than thirty (30) feet the height of existing utility support structures.

(d) Monopoles and the accessory equipment shall be set back a minimum of fifteen (15) feet from all boundaries of the easement or right-of-way.

(e) Single carrier monopoles may be used within utility easements and rights-of-way due to the height restriction imposed by Subsection (c) above.

(f) Poles that use the structure of a utility tower for support are permitted. Such poles may extend up to twenty (20) feet above the height of the utility tower.

**(b) Setbacks**

(1) Unless otherwise stated herein, each wireless support structure shall be set back from all property lines a distance equal to its engineered fall zone.

**(c) Height**

(1) In residential districts, wireless support structures shall not exceed a height equal to one hundred ninety-nine (199) feet from the base of the structure to the top of the highest point, including appurtenances. Notwithstanding the foregoing, the [Zoning Board] shall have the authority to vary the foregoing height restriction upon the request of the applicant. With its waiver request the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the [Zoning Board].

**(d) Aesthetics**

(1) Lighting and Marking. Wireless facilities or wireless support structures shall not be lighted or marked unless required by the Federal Communications Commission (FCC) or the Federal Aviation Administration (FAA).

(2) Signage. Signs located at the wireless facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government



regulation. Commercial advertising is strictly prohibited. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit signage that is approved for other uses on property on which wireless facilities are located (e.g., approved signage at locations on which concealed facilities are located).

(e) **Accessory Equipment.** Accessory equipment, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the wireless facility or wireless support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

(f) **Fencing**

(1) Ground mounted accessory equipment and wireless support structures shall be secured and enclosed with a fence not less than six (6) feet in height as deemed appropriate by the [Zoning Board] or [Code Administrator].

(2) The [Zoning Board or Code Administrator] may waive the requirement of Section VI.F.1 if it is deemed that a fence is not appropriate or needed at the proposed location.

**SECTION 15-127. – MISCELLANEOUS PROVISIONS.**

(a) **Abandonment and Removal.** If a wireless support structure is abandoned, and it remains abandoned for a period in excess of twelve (12) consecutive months, the Town of Red Springs may require that such wireless support structure be removed only after first providing written notice to the owner of the wireless support structure and giving the owner the opportunity to take such action(s) as may be necessary to reclaim the wireless support structure within sixty (60) days of receipt of said written notice. In the event the owner of the wireless support structure fails to reclaim the wireless support structure within the sixty (60) day period, the owner of the wireless support structure shall be required to remove the same within six (6) months thereafter. The Town of Red Springs shall ensure and enforce removal by means of its existing regulatory authority, with costs of removal charged to the owner.

(b) **Multiple Uses on a Single Parcel or Lot.** Wireless facilities and wireless support structures may be located on a parcel containing another principal use on the same site or may be the principal use itself.

**SECTION 15-128. – WIRELESS FACILITIES AND WIRELESS SUPPORT STRUCTURES IN EXISTENCE ON THE DATE OF ADOPTION OF THIS ORDINANCE.**

(a) Wireless facilities and wireless support structures that were legally permitted on or before the date this Ordinance was enacted shall be considered a permitted and lawful use.

(b) **Activities at Non-Conforming Wireless Support Structures.** Notwithstanding any provision of this Ordinance:

(1) Ordinary maintenance may be performed on a non-conforming wireless support structure or wireless facility.

(2) Collocation of wireless facilities on an existing non-conforming wireless support structure shall not be construed as an expansion, enlargement or increase in intensity of a non-conforming structure and/or use and shall be permitted through the administrative approval process defined in Section

IV; provided that the collocation does not substantially modify the size of the equipment compound at that location or otherwise substantially modify the existing non-conformity.

- (3) Substantial modifications may be made to non-conforming wireless support structures utilizing the [Special](#) use permit process defined in Section V of this Ordinance.

SECTIONS 15-129. – 15-135. – RESERVED.

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#### ARTICLE XI. – [CONDITIONALSPECIAL USES](#)

##### SECTION 15.136- PURPOSE.

The development and execution of this ordinance is based on the division of the Town of Ellerbe into districts within which the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are some land uses which are basically in keeping with the intent and purposes of the district where [conditionalSpecial](#), but which may have an impact on the area around them which can only be determined by review of the specific proposal. These uses may be established, under certain conditions and with proper controls, in such a manner as to minimize any adverse effects. In order to [insureensure](#) that these uses, in their proposed locations, would be compatible with surrounding development and in keeping with the purposes of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a [ConditionalSpecial](#) Use Permit preceded by a Public Hearing.

##### SECTION 15.137.- APPLICATION FOR [CONDITIONALSPECIAL](#) USE.

Applications for [ConditionalSpecial](#) Use Permits, signed by the applicant, shall be addressed to the Planning Board. A fee as posted in the Town Clerk's office shall be paid to the Town of Ellerbe for each application to cover the costs of advertising and administrative costs. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions.

The applicant shall provide to the Zoning Enforcement Officer a list of names and addresses of all adjacent property owners, at least eight (8) days prior to the public hearing. The Zoning Enforcement Officer shall then mail a copy of the legal notice to each adjacent property owner.

##### SECTION 15.138.- PUBLIC HEARING BY PLANNING BOARD.

The Planning Board, through the Zoning Enforcement Officer, shall schedule a public hearing on the application for a [ConditionalSpecial](#) Use Permit to be held within 60 days after the application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the town at least once each week for two successive weeks prior to the public hearing. The notice shall be published for the first time not less than ten (10) nor more than

~~twenty-five~~twenty-five (25) days before the date fixed for the hearing. The Zoning Enforcement Officer shall also post notice on the property involved for a period of one week prior to the hearing.

**SECTION 15.139. - ACTION BY THE PLANNING BOARD.**

The Planning Board shall review the application and conduct the public hearing. The Planning Board shall approve, modify or deny the application for Special Use Permit following the public hearing. In granting a Special Use Permit the Planning Board shall make written findings that the applicable regulations of the district in which it is located are fulfilled. With due regard to the nature and state of all adjacent structures and uses, the district within which same is located, and official plans for future development, the Planning Board shall also make written findings that the following provisions are fulfilled:

- A. The use requested is listed among the Special uses in the district for which application is made or is similar in character to those listed in that district; and
- B. The requested use is essential or desirable to the public convenience or welfare; and
- C. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare; and
- D. The requested use will be in conformity with the Land Development Plan; and
- E. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided; and
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- G. That the Special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

After approval by the Planning Board, or upon appeal after denial by the Planning Board, the request shall be submitted to the Board of Commissioners for final approval. No Special Use Permit shall be issued until after review and approval by the Board of Commissioners.

**SECTION 15.140. - CONDITIONS AND GUARANTEES.**

Prior to the granting of any Special use, the Planning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the Special use as it deemed necessary as proof that the conditions stipulated in connection therewith are being and will be met.

- A. Such conditions may include a time limitation; and
- B. Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, "that a solid board fence be erected around the site to a height of six (6) feet before the use requested is initiated"; and

- C. Conditions of a continuing nature may be imposed. For example, "exterior [loudspeakers](#) shall not be used between hours of 10:00 p.m. and 9:00 p.m."

**SECTION 15.141. - GENERAL PROVISIONS IN GRANTING [SPECIAL](#) USE PERMITS.**

**A. COMPLIANCE WITH OTHER CODES**

Granting of a [Special](#) Use Permit does not exempt applicant from complying with all of the requirements of building codes and other ordinances.

**B. REVOCATION**

In any case where the conditions of a [Special](#) Use Permit have not been or are not being complied with, the Zoning Enforcement Officer shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to a Board of Commissioners review thereof. After conclusion of the review, the Board of Commissioners may revoke such permit.

**C. EXPIRATION**

In any case where a [Special](#) Use Permit has not been exercised within the time limit set by the Board of Commissioners, or within one (1) year if no specific time limit has been set, then without further notice, the permit shall be null and void. "Exercised" as set forth in this section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are contracted for, in substantial development, or completed (sewerage, drainage, etc.). When construction is not a part of the use, "exercised" shall mean that the use is in operation in compliance with the condition set forth in the permit.

**D. DURATION OF [SPECIAL](#) USE**

Any conditions imposed in a [Special](#) use authorized and exercised shall be perpetually binding upon the property unless expressly limited by the [Special](#) Use Permit or subsequently changed or amended by the Planning Board after a public hearing.

**SECTIONS 15.142. – 15.145. - RESERVED.**

**ARTICLE XII. – SOLAR ENERGY FACILITY.**

For purposes of this Ordinance, a Solar Energy Facility is a solar collection system that generates electricity from sunlight to a wholesale electricity market through a regional transmission organization and an inter-connection with the local utility power grid and/or for direct distribution to a number of properties and consumers. Solar shall consist of a minimum of three (3) individual photovoltaic modules (solar panels), which are an assembly of solar cells to generate electricity.

SECTION 15.146. - DEVELOPMENT REQUIREMENTS.

- A. Solar energy facilities and their appurtenant components shall conform to the principal building setbacks of the underlying zoning district in which they are located.
- B. Individual modules/panels shall be a maximum of 25 feet in height as measured from the grade at the base of the structure to the top of the structure.
  - (1) A site plan, drawn and stamped by a North Carolina licensed surveyor or engineer, shall be submitted showing the following:
    - (a) The location and dimensions of all proposed areas for the placement of solar panels, screening/fencing and related improvements; and
    - (b) Any pre-existing structures on the same lot, and principal structures on other properties that would affect the placement of solar panels; and
    - (c) Parking and access areas; and
    - (d) Location of any proposed solar access easements; and
    - (e) Any proposed new structures.
- C. Solar energy facilities shall be fully screened from adjoining properties and adjacent public roads by an evergreen buffer or by an opaque fence of at least 6 feet in height or a combination thereof. When an evergreen buffer is used, it shall be of a species capable of reaching a height of 6 feet within 3 years of planting and each plant shall be located close enough together at the time of planting to ensure that its growth will provide full horizontal coverage (without gaps) within 3 years of planting. Any fence or plant material that is used as a buffer shall be maintained during the entire time that the solar farm is located on the site regardless of whether or not the farm is operational.
- D. Solar panels shall be mounted onto a pole, rack, or suitable foundation in accordance with manufacturer's specifications, in order to ensure the safe operation and stability of the system.
- E. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.
- F. It is the responsibility of the owner to remove all obsolete or unused systems within 12 months of cessation of operation.
- G. The energy facility and components shall meet all requirements of the North Carolina State Building Code.
- H. The solar array shall be completely fenced in and access controlled.

SECTION 15.147. - SOLAR ENERGY FACILITY A SPECIAL USE.

Solar energy facilities are a Special use in the R-A and R-20 districts only.

SECTION 15.148 – 15.150. - RESERVED.

**ARTICLE XIII. – BOARD OF ADJUSTMENT**

SECTION 15.151. –~~CREATION-~~ CREATION OF THE BOARD OF ADJUSTMENT.

A Zoning Board of Adjustment is hereby established. Said Board shall consist of not more than ten (10) members. All members shall serve ~~three-year~~three-year terms. Nothing herein contained shall be so interpreted as to forbid any member from being appointed to succeed him/herself. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board of Adjustment.

SECTION 15.152. –~~PROCEEDINGS-~~ PROCEEDINGS OF THE BOARD OF ADJUSTMENT.

The Board of Adjustment shall elect a Chairman and Vice-Chairman from its members who shall serve for one (1) year, at the end of which period they shall be reappointed or serve until their successors are appointed. The Board shall appoint a secretary who may be a municipal officer, an employee of the county, or a member of the Board of Adjustment.

The Board shall adopt rules and by-laws to conduct its affairs and shall establish regular meeting dates. All meetings of the Board shall be open to the public and a public record of all findings and decisions shall be maintained. The concurring vote of four-fifths of the members of the Board (eight members) shall be necessary to reverse any decision of the Zoning Enforcement Officer or his representative, or to decide in favor of the applicant on any matter upon which it is required to consider under any ordinance, or to grant a variance from the provisions of this Ordinance.

SECTION 15.153. - APPEALS TO THE BOARD; HEARINGS AND NOTICE.

**A. FILING PROCEDURE**

Appeals from the enforcement and interpretation of this Ordinance and requests for other Board action authorized in this Ordinance shall be filed with the Zoning Enforcement Officer or his representative specifying the grounds thereof. The Zoning Enforcement Officer shall transmit to the Board of Adjustment all applications and records pertaining to such appeals, and requests.

**B. HEARING THE APPEAL**

The Board of Adjustment shall schedule a reasonable time for the hearing of the appeal. The Board shall cause notices of the hearing to be mailed to the parties to the action appealed from, and to such persons as the Zoning Enforcement Officer shall direct, at least five (5) days before the hearing. Such notice shall state the location of the building or lot, the general nature of the question involved in the appeal, and the time and place of the hearing.

**C. STAY OF PROCEEDINGS BY APPEAL**

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Enforcement Officer certifies to the Board of Adjustment that by reason of facts stated in the record, a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by an order from the Bladen County Superior Court.

**SECTION 15.154. - FEE.**

A fee as posted in the Town Clerk's Office shall be paid to the Town of Ellerbe, North Carolina, for each application for a variance or appeal to cover the necessary administrative costs and advertising.

**SECTION 15.155. - POWER AND DUTIES OF THE BOARD OF ADJUSTMENT.**

**A. The Board of Adjustment shall have the following powers and duties:**

1. **Administrative Review.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Enforcement Officer in the enforcement of this Ordinance.
2. **Special Exceptions.** To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on under the terms of this Ordinance.
3. **Variations; Conditions Governing Applications; Procedures.** This section is designed to authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. The existence of a nonconforming use of neighboring land, buildings, or structures, in the same district or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:
  - (a) A written application for a variance is submitted demonstrating:
    - (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
    - (2) Granting the variance requested will not confer on the applicant any special privileges that are denied to other residents of the zoning district in which the property is located.
    - (3) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the zoning district in which the property is located.

- (4) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.
- (5) The special circumstances are not the result of the actions of the applicant.
- (6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
  - (i) Notice of the hearing shall be given as in Section 13.3B above.
  - (ii) The hearing shall be held. Any party may appear in person or by agent or by attorney.
- (b) The Board shall make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum condition that will make possible the reasonable use of the land, building, or structure.
- (c) The Board of Adjustment shall further make a finding that the granting of the variance shall be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- (d) In granting any variance the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.2F of this Ordinance.
- (e) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

**B. Decisions of the Board of Adjustment**

In exercising the [above-mentioned](#) powers, the Board of Adjustment may, so long as action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

**SECTION 15.156. - APPEALS FROM THE BOARD OF ADJUSTMENT.**

Appeal from the decision of the Board of Adjustment may be taken to the Richmond County Superior Court within a period of thirty (30) days following decision.

**SECTIONS 15.157. – 15.159- RESERVED.**

**Commented [W1]:** Should create a Rules of Procedure document outlining processes



**ARTICLE XIV. – CHANGES AND AMENDMENTS**

The Board of Commissioners may change the text regulations and zoning district lines according to the following procedures:

**SECTION 15.160. - ACTION BY THE APPLICANT.**

The following actions shall be taken by the applicant: **A.**

**Initiation of Amendments:**

Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or by the owner(s), or their agent, of property within the area proposed to be changed. **B. Application:**

Application for any change or amendment shall be filed with the Administrative Official at least thirty (30) days prior to the Planning Board meeting at which the application is to be considered. The application shall contain a description of the proposed amendment and the names and addresses of property owners directly affected by the proposed change.

**C. Fee**

The Board of Commissioners shall set a fee payable to the Town of Ellerbe, North Carolina, to cover the necessary administrative costs and advertising of each application for a change or amendment. The set fee shall be posted in the Town Clerk's Office.

**D. Notice of Public Hearing Letters**

Before adopting, amending, or repealing any ordinance or development regulation authorized by this Chapter, the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

SECTION 15.161. - ACTION BY THE PLANNING BOARD.

The Planning Board shall consider and make recommendations to the Board of Commissioners concerning each proposed zoning amendment. The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- A. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- B. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- C. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- D. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- E. The proposed change is in accord with a comprehensive plan and sound planning principles.

SECTION 15.162. - ACTION BY THE BOARD OF COMMISSIONERS.

**A. Notice and Public Hearing**

No amendment shall be adopted by the Board of Commissioners until after public notice and hearing. The Board of Commissioners shall hold the public hearing. Notice of a public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the Town of Ellerbe, said notice to be published the first time not less than ten (10) nor more than twenty-five (25) days prior to the date fixed for said hearing. In addition to the newspaper notice, notice shall also be made by posting the property concerned with a poster indicating the proposed change and date of hearing when the application is for a change to a district boundary.

**B. Board of Commissioners Action**

Before taking such lawful action as it may deem advisable, the Board of Commissioners shall consider the planning board's recommendation on each proposed zoning amendment. If no recommendation is received from the planning board within thirty (30) days after public hearing by the Board of Commissioners, the proposed amendment shall be deemed to have been approved by the planning board.

**D. Reconsideration; One-Year Limitation**

~~In case, however, of a protest against such change signed by the owners of twenty percent or more (either of the area of the lots included in such proposed change or of those immediately adjacent thereto, extending one hundred feet there from of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots), such amendment shall not become effective except by favorable vote of three fourths of all members of the Board of Commissioners.~~

~~No protest petition shall be valid unless it is:~~

- ~~(1) Written;~~
- ~~(2) Bears the actual signatures of the requisite number of property owners and states that they protest the proposed amendment; and~~
- ~~(3) Is received by the town clerk in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.~~

**D. Reconsideration; One-Year Limitation**

Whenever an application requesting an amendment has been acted on and denied by the planning board and the Board of Commissioners, such application, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

SECTION 15.163. – 15.165. - RESERVED

Commented [W2]: Do you want a subdivision ordinance?

**ARTICLE XV. – DEFINITIONS**

Except where specifically defined herein all words used in this Ordinance shall carry their customary meanings. Words used in the present tense shall include the future tense; the singular number includes the plural; the word "building" includes the word "structure"; the word "lot" includes the word "plot" or "parcel"; the term "shall" is always mandatory; 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."

Administrative hearing. - A proceeding to gather facts needed to make an administrative decision

**Alley.** A public way which affords only a secondary means of access to an abutting property and is not intended for general traffic circulation.

**Apartment.** See Dwelling, Multi-Family.

**Bed and Breakfast Inn.** Temporary housing which includes breakfast but no other meals. No more than five (5) rooms are available for rent and the operator lives on the premises.

**Billboard.** See Sign, Outdoor Advertising.

**Building.** Any structure enclosed and isolated by exterior walls constructed of or used for residence having a roof supported by columns or by walls and constructed or used for shelter, housing, business, industry, or other public or private purposed or accessory thereto.

**Building, Accessory.** A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal building or use.

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

**Building Line.** See Setback Line.

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

**Church, Club, or Lodge, Private.** An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated on a nonprofit basis for the benefit of its members.

**Day Care Facility.** Child care arrangement which provides day care on a regular basis for more than four (4) hours per day for more than twelve (12) children, whether operated for profit or not.

Development approval. - An administrative or quasi-judicial approval made pursuant to this Ordinance 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 Chapter 160D, including plat approvals, permits issued, development agreements entered into, and building permits issued.

**Developmentally disabled person.** A person who has a severe or chronic disability attributed to mental or physical impairment or a combination thereof, resulting in substantial functional limitations in life activities. Such limitations may affect the person's ability to self-care, utilize receptive and expressive language, learn, be mobile, self-direct, live independently, or be economically self-sufficient. Such persons may require a combination or sequence of special, interdisciplinary, or genetic care, treatment, or other services which are lifelong or extended duration and are individually planned and coordinated.

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. 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 detached residence designed for or occupied by one family only.

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**Dwelling, Two Family (Duplex).** A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each.

**Dwelling, Multi-Family.** A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities each.

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 Chapter 160D.

**Family.** One or more persons related by blood, marriage, or adoption

Occupying premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging, or hotel.

**Family Care Home.** A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. Application for permit shall be accompanied by a map showing the nearest existing family care homes, with certification that the proposed home will be located no closer to them than one-half (1/2) mile.

**Frontage.** The distance between the two side lot lines as measured along the front street line.

**Group Home.** A facility providing 24-hour supervision for the custodial care of physically or developmentally disabled children and adults but not including family care homes as provided for in G.S. 168-20 through 168-23. Group homes may include supervised living facilities and residential treatment facilities that primarily provide therapy for juveniles adjudicated as delinquent. All applications for permit shall be accompanied by a map showing the nearest existing group homes, with certification that the proposed group home will be located no closer to them than one-half (1/2) mile.

**Home Occupations.** Any occupation or profession carried on entirely within a dwelling by one or more occupants thereof, providing that such use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, that no more than twenty-five percent (25%) of the total floor area or five hundred (500) square feet, no outside or window display, that no merchandise or commodity is sold on the premises, that no mechanical or electrical equipment is installed or used other than is normally used for domestic, professional, or hobby purposes, or for infrequent consultation or emergency treatment, and providing that no more than one (1) person not a resident of said dwelling is employed in connection with the home occupation. In addition, internal or external alterations inconsistent with the residential use of the building shall be prohibited.

**Hotel, Motel.** Building(s) containing sleeping accommodations for ten (10) or more persons, primarily the temporary abode of persons who have their residences elsewhere.

**Junk Yard or Salvage Yard.** Use of property for indoor and/or outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking, and structural steel, materials and equipment, or for the dismantling, demolition, or abandonment of automobiles or other vehicle or machinery or parts thereof.

**Juvenile adjudicated as delinquent.** A minor, less than 18 years of age, who has, through the criminal justice system, been determined to have committed offenses or violations of law. Such persons may be subject to, or court ordered to participate in, varying degrees of therapy, treatment, or behavior modification, including specialized living situations and /or incarceration.

**Lot.** A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance and the following definitions:

**Lot, corner.** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

**Lot, substandard.** A parcel of land held in separate ownership having frontage on public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings, and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

**Lot, depth.** The mean horizontal distance between front and rear lot lines.

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

**Lot, width.** The distance between side lot lines measured at the building line.

**Manufactured Home.** Manufactured home. –A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of HUD and complies with the standards established under the Act. For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width.

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**Manufactured Home Park.** Any plot of ground upon which five (5) or more manufactured homes occupied for  
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**Manufactured Home Park.** Any plot of ground upon which five (5) or more manufactured homes occupied for

**Manufactured Home Park.** Any plot of ground upon which five (5) or more manufactured homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

- ~~b. The manufactured home has a minimum of 1,200 square feet of enclosed and heated living area;~~
- ~~c. The pitch of the roof of the manufactured home has minimum vertical rise of three and two tenths feet for each twelve feet of horizontal run (3.2 feet and 12 feet) and the roof is finished with a type of composition shingle that is commonly used in standard residential construction;~~
- ~~d. The roof eaves and gable overhangs shall be 6 inch minimum (rain gutters may not be included in the minimum dimensions);~~
- ~~e. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (siding whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;~~
- ~~f. The manufactured home is set up in accordance with the standards set by the North Carolina Department of Insurance and a continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, is installed under the perimeter of the manufactured home;~~
- ~~g. The front entrance to the manufactured home has stairs and a porch, the porch being at least four feet by six feet in size. Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the North Carolina State Building Code; and~~
- ~~h. The moving hitch, wheels, and axles, and transporting lights have been removed.~~

~~It is the intent of these criteria to insure that a Class "A" manufactured home, when installed, shall have substantially the appearance of an on-site conventionally built, single family dwelling, to include landscaping in harmony with surrounding dwellings.~~

**Manufactured Home Park.** Any plot of ground upon which five (5) or more manufactured homes occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

**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 or more 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 room sections transported on a truck and erected or joined together on the site.

**Nonconforming Use.** The use of a building or land which does not conform to the use regulations of this Ordinance for the district in which it is located, either at the effective date of this Ordinance or as a result of subsequent amendments which may be incorporated into this Ordinance.

**Park Model 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 on its own chassis and (ii) does not exceed forty feet in length and eight feet in width.

**Parking Space.** The storage space of not less than eight (8) feet by twenty (20) feet for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

**Physically disabled person.** A person with any physical impairment that substantially limits one or more of such person's major life activities. Such impairments may include, but are not limited to, any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory; including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin and endocrine.

**Service Station.** A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, lubricants, and accessories and the minor repair of automobiles such as tune-ups, brake adjustments, and tire changes excluding body work, overhauling, and painting.

**Setback Line.** The line on the front, rear, and sides of a lot, set according to the district regulations, which delineates the area upon which a structure may be built or maintained.

Site plan. - A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review.

**Shopping Center.** Two or more commercial establishments planned and constructed as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.

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

**Sign, business.** Any sign which advertises an establishment, a service, commodity, or activity conducted upon the premises where such sign is located.

**Sign, outdoor advertising (Billboard).** Any sign which advertises an establishment, service, commodity, goods or entertainment sold or offered on premises other than that on which the sign is located.

**Sign, temporary advertising.** Any sign, banner, pennant, valance or advertising display constructed of wood, metal, cloth, canvas, cardboard, wallboard or other light material with or without frames, whether either by reason of construction or purpose are intended to be displayed for a short period of time only.

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**Sign, freestanding.** A sign erected on a freestanding frame, mast or pole, and not attached to any building, and which is permanently affixed to the property.

**Street.** A dedicated and accepted public right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

**Structure.** Anything constructed or erected, the use of which requires permanent or semi-permanent location on the ground, or attachment to something having permanent location on the ground, including advertising signs.

**Travel Trailer.** A structure that is (i) intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (ii) is designed for temporary use as a sleeping quarters, but that does not satisfy one or more of the definitional criteria of a manufactured home.

**Tourist Home.** A dwelling in which sleeping accommodations are provided or offered to transient visitors for compensation.

**Yard.** A required open space on the same lot as the principal building, unoccupied and unobstructed (other than for vegetation) from the ground upward except as otherwise provided herein.

**Yard, front.** A yard extending across the front of a lot measured from side to lot line to side lot line and lying between the abutting street right-of-way and the front building setback line.

**Yard, rear.** A yard extending across the rear of the lot measured from side lot line to side lot line and lying between the rear property line and the rear building setback line.

**Yard, side.** A yard extending along either side of a lot measured from front yard line to rear line and lying between the side lot line and the side setback line.

**Zoning Enforcement Officer.** The person, officer, or official or his authorized representative, whom the Board of Commissioners has designated as its agent for administration of this Ordinance.

**ARTICLE XVI. – SUPPLEMENTAL REGULATIONS**

**SECTION 15.166. – PURPOSE OF SUPPLEMENTAL REGULATIONS.**

Many uses that would be permitted by right or through a ~~conditional~~Special use permit have specific natures that require further explanation of how the district regulations apply to that use. Contained in this chapter are the supplemental regulations which have been established by the town. Readers may refer to the tables in each district description section for basic information on uses that are permitted by right or through ~~conditional~~Special use permits. For any use which requires the issuance of a ~~conditional~~Special use permit, the supplemental use regulations listed herein may be in addition to any other fair and reasonable conditions placed on the use by the Town Board. The conditions may impose greater restrictions on a particular use than those which are listed herein.

**SECTION 15.167. - ACCESSORY BUILDINGS.**

- (a) Accessory buildings shall not be erected in any required front or side yards. In the rear yards, they shall be located not less than ten (10) feet from the side property line and not less than ten (10) feet from the rear property line.

- (b) Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform to all regulations of this ordinance applicable to the main building.
- (c) An accessory building shall not occupy more than twenty-five (25) percent of a required rear [yard](#), [plus](#) forty (40) percent of any non-required rear yard, provided that in no instance shall the accessory building exceed the ground floor area of the main building.
- (d) No detached accessory building shall be located closer than ten (10) feet to any other building.
- (e) There shall be no more than two (2) accessory buildings per lot.
- (f) No detached accessory building shall exceed the maximum height of the permitted building heights in each district.

**SECTION 15.168. -- ADULT AND SEXUALLY-ORIENTED BUSINESS CONCERNS.**

Adult and Sexually Oriented Businesses shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) No adult or sexually oriented business shall be located within 750 feet of a residential zoning district, a church, a school, a hospital or nursing home, a public park or a day care center.
- (b) No adult or sexually oriented business shall be located within 1,000 feet of another such establishment.
- (c) No more than one adult or sexually oriented business shall be located in the same building, development or on the same lot.

**SECTION 15-169. -- ANIMAL CARE CLINICS; VETERINARIES; KENNELS.**

Animal Care Clinics, Veterinaries, and Kennel shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) Outside kennels shall be located only in a side or rear yard.
- (b) Outside kennels shall be set back a minimum of fifty (50) feet from an adjoining street right-of-way or property line.
- (c) Exterior enclosures and runs must provide protection against weather extremes. Floors of runs must be made of impervious material to permit proper cleaning and disinfecting.
- (d) All animal quarters and runs are to be kept in a clean, dry, and sanitary condition.
- (e) Fencing surrounding exercise areas and/or runs must be of a sufficient height to prevent escape and must be buried as part of installation to prevent escape by digging beneath the fence posts.
- (f) Noise must be mitigated so as not to create a public nuisance for adjoining properties and must comply with all local noise regulations. This excludes typical noise from exercise or training while outdoors during the daytime during hours of operation.
- (g) The use shall comply with all state and local regulations including the licensing agency, the North Carolina Department of Agriculture.
- (h) For indoor kennels, the minimum setbacks shall be the same as for primary structures.
- (i) Indoor kennels in the Residential zoning district are permitted only as an accessory use to a single-family residential use. A minimum lot size of three (3) acres is required.

**SECTION 15.170. –. AUTOMOBILE SERVICE STATIONS; OTHER AUTO-RELATED BUSINESSES.**

Automobile service stations shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto washing equipment and similar equipment shall be entirely enclosed within a building.
- (b) Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.
- (c) All garbage and refuse shall be stored in mechanical loading containers located near the rear of the lot or building, but not less than twenty feet from any adjacent property lines unless the zoning officer determines that such a setback is not practicable. In such cases, the zoning officer may, as an alternative, require a lesser setback provided sufficient screening is installed.
- (d) All vehicular repair activities shall be conducted within an enclosed structure. Any vehicles partially dismantled or wrecked should be stored in an enclosed structure or a screened and buffered impoundment area located away from public view.
- (e) Entrances and exits:
  - a. Shall be a minimum of 100 feet, as measured along each side of the street on which they abut, from any school, public playground, church, hospital or health care facility, public library or institution for dependents or children.
  - b. Shall be a minimum of 100 feet from any residential district located on either side of the street on which the entrance abuts.
  - c. Shall be a minimum of 20 feet from any corner as measured from the point where the right-of-way lines meet or from the midpoint of the curve where a corner exists but is not an intersection (“L” curve in a street).
- (f) All areas subject to regular use by vehicles shall be paved.

**SECTION 15.171. –. BONA FIDE FARMS.**

Bona fide farms in the Town of Red Springs extraterritorial jurisdiction are exempt from the provisions of this Ordinance as directed by NCGS 160A-360(K), as amended by S.L. 2011-363(H168).

**SECTION 15.172. –. CHILD CARE CENTERS; DAYCARES.**

Child Care Centers and Daycares shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) There shall be a minimum of seventy-five (75) square feet of outdoor recreational space for each client. The outdoor recreational area shall be located in a side or rear yard and shall be enclosed by a fence of at least four (4) feet in height.
- (b) The hours of operation of a [childcare](#) center shall be established by the issuance of a [Special](#) Use Permit in the Agricultural Residential, Open Space, Residential Mobile Home, and the RMH-1 zoning districts.
- (c) Minimum paved off-street parking spaces: Two spaces plus one for each employee.

- (d) Minimum paved off-street loading and unloading area: In addition to the off-street parking area, there shall be sufficient paved driveway to accommodate at least two autos at one time for the purpose of loading and unloading passengers.
- (e) The [childcare](#) center shall have a specified plan for ingress and egress.
- (f) No child may remain on the premises of a [childcare](#) center for more than twenty-four (24) consecutive hours in one (1) stay.

**SECTION 15.173. -- DISSTILLERIES AND MICROBREWERIES.**

An establishment that meets the definition of a microbrewery or distillery shall be permitted provided it meets the requirements of NCGS 18B-1104 or 18B-1105, respectively. Tasting rooms are an accessory use to a microbrewery.

**SECTION 15.174. -- DRIVEWAYS.**

No portion of any entrance driveway leading from a public street shall be closer than twenty (20) feet to the corner of any intersection measured from the right-of-way line. The width of any entrance driveway leading from the public street shall not exceed thirty (30) feet at its intersection with the curb or street line. No two driveways on a single lot leading from a public street shall be within (20) feet of each other measured along the right-of-way line.

**SECTION 15.175. -- DUPLEX RESIDENTIAL STRUCTURES.**

A "Duplex" structure shall be allowed in all zoning districts in which single-family structures are allowed, provided that, no more than one structure on a single lot is permitted.

**SECTION 15.176. -- EXCEPTION TO BUILDING SETBACK REQUIREMENTS.**

No building setback for dwellings need exceed the average for existing buildings adjoining on either side if such buildings are less than 200 feet apart, provided that the setback is not reduced to less than 10 feet.

**SECTION 15.177. -- FAMILY CARE HOMES AND GROUP HOMES.**

Family Care Homes and Group Homes shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) Group Homes:
  - a. Applications: The following information shall be submitted as part of the application:
    - i. A description of the type of persons to be cared for, the nature of the care to be provided, and the number of staff persons and specialists that will be involved.
    - ii. If structural alterations to existing structures or new construction is required, a complete description of the nature and extent of the alterations or new construction.
  - b. Lot Size: A minimum lot size of two (2) acres shall be required. Additional acreage may be required by the Robeson County Health Department if a septic tank waste disposal system is proposed.
  - c. Proximity to Other Facilities: Family care homes must be located no closer than one-half (½) mile from any other family care home.

- d. **Appearance:** The proposed structure shall have the appearance of a residential building or any proposed structural alterations shall be of a nature as to preserve the residential character of the building.
- e. **Parking:** Parking shall be at the sides and rear of the building. The number of spaces shall be calculated at: three (3) spaces for every five (5) beds except for uses exclusively serving children under 16 years of age, in which case, one (10 space for every three (3) beds shall be required.
- f. **Licenses:** Operators shall have a licensing permit or letter from the appropriate State agency that it will be issued.

(b) **Definitions:**

- a. **Family Care Home.** A facility designed to provide room, board and care for six (6) or fewer handicapped persons (adults or children) in a family environment. Handicapped persons include those with physical, emotional, or mental disabilities, but not those who have been deemed dangerous to themselves or others (see NC Gen Stat. §168-21).
- b. **Group Home.** An establishment qualified for a license by the State of North Carolina for the provisions of resident services to seven (7) or more individuals of whom one (1) or more are unrelated and who are handicapped, aged, disabled, or who are runaways, disturbed, or emotionally deprived children who are undergoing rehabilitation or extended care and who are provided services to meet their needs. This definition includes group homes for all ages. c.

**SECTION 15.178. –. FARM STANDS.**

Farm stands shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) A farm stand shall only be used for the retail sale of produce and agricultural products on the property.
- (b) Farm stands shall only be located three hundred (300) feet from any intersection and forty (40) feet from the front property line.
- (c) Maximum area of a farm stand is three hundred (300) square feet.
- (d) Two temporary on-site signs are permitted. No sign permit is required. Signs shall comply with the following:
  - a. A maximum of sixteen (16) square feet each.
  - b. A maximum of six (6) feet.
- (e) Farm stands that sell anything other than fresh, farm-produced fruits, vegetables, nuts, and shell eggs are considered "retail food stores."
- (f) No food preparation at the farm stand is allowed.
- (g) No live animals within twenty (20) feet of food storage or sales area are allowed, except service dogs.

**SECTION 15.179. –. FLEA MARKETS.**

Flea Markets shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) Hours of operation are limited to 8:00 am to 6:30 pm.
- (b) The sale of food for consumption on or off the premises will require licensing by the City and approval by the Department of Health.

- (c) The sale of firearms and/or alcohol is prohibited.
- (d) Permanent open-air flea markets are required to install and maintain fencing or landscaping along three (3) sides of the open market. A landscape plan describing both fencing and landscaping must be reviewed and approved by the Code Administrator.

**SECTION 15-180. -- GOLF CARTS.**

Golf carts shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) **Purpose.** The purpose of this chapter shall be to establish a golf cart ordinance within the Town of Red Springs to promote the health, safety and welfare of persons operating golf carts within the Town.
- (b) **Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DRIVER'S LICENSE-** A valid license to operate a motor vehicle issued by North Carolina or any other state.

**FINANCIAL RESPONSIBILITY-** Liability insurance coverage on a golf cart in an amount not less than required by North Carolina law for motor vehicles operated on public highways in the State of North Carolina.

**GOLF CART-** A vehicle designed and manufactured for operation on a golf course for sporting recreation purposes and that is not capable of exceeding speeds of twenty miles per hour (MPH).

**OPERATOR-** Only persons 16 years of age or older and holding a driver's license may operate a golf cart.

(c) **Rules & Regulations**

1. Carts may be driven on roads only from dawn to dusk unless the cart is equipped with two operating headlights (one on each side of the front of the golf cart) and two operating [taillights](#) with brake lights (one on each side of the rear of the golf cart) which are visible from a distance of 500 feet.
2. Carts must be equipped with a rear vision mirror and a rear triangle reflector on the same type required by North Carolina law.
3. Carts must be equipped with seatbelts for the number of persons whom individual seating is installed and provided by the cart and each occupant shall have a seatbelt properly fastened about his or her body at all time the cart is in motion.
4. Cart drivers must have a valid driver license in their name and must be 16 years of age or older.
5. Cart drivers will stay to the far right of the travel portion of the road and yield to the right-of-way to overtaking vehicles.
6. The number of occupants in a golf cart shall be limited to the number of persons for whom individual seating is installed and provided on the golf cart. The operator and all occupants shall be seated in the golf cart and no part of the body of the operator or occupant shall extend outside the perimeter of the golf cart while the cart is in motion.
7. All applicable state laws shall be adhered to, including the possession and use of alcoholic beverages.

8. The operator of the golf cart with all traffic rules and regulations adopted by the State of North Carolina and the Town of Red Springs which govern the operation of motor vehicles.
  9. Carts will adhere to all traffic flow patterns and will operate on the right side of the roadway.
  10. Carts shall not operate on the sidewalks.
  11. Carts shall not be operated on private property without the permission and consent of the property owner.
- (d) Inspection and Fees. All carts operated on the streets of the Town of Red Springs shall be inspected by the Red Springs Police Department and issued a permit prior to operation. The inspection by the Chief of Police or his/her designee will cover the following safety requirements and every cart operating on the Town of Red Springs streets shall have the following equipment and paperwork:
1. Permits/stickers issued to operators/owners of golf carts by the Red Springs Police Department.
  2. Each owner shall have proof of ownership and liability insurance and a completed waiver of liability releasing the Town of Red Springs, its employees and affiliates from all liability that may arise as a result of operating a golf cart inside the Town of Red Springs. A current waiver of liability shall be on file with the Red Springs Police Department and shall be renewed annually along with the permit.
  3. All carts shall meet the requirements or minimum standards of safety equipment as set forth in 74.03.
  4. All cart operators shall present a valid driver's license.
  5. Permits/stickers will be issued annually and are valid from July 1<sup>st</sup> of each year and expire June 30<sup>th</sup> of each year. The following fees shall apply:
    - i. Inspection by Police Department: \$25 annually (Includes permit/sticker)
    - ii. Re-inspection by Police Department: \$10 (If a cart fails initial inspection)
- (e) Lost or Stolen Permit/Stickers. Lost or stolen permit/stickers are the responsibility of the owner. A police report must be filed in the event of a lost or stolen permit/sticker. The Chief of Police will have the discretion in determining whether a permit/sticker may be re-issued in the instance. If no record can be found on a previous application or the receipt of a permit/sticker, the Chief of Police may direct the applicant to reapply and to also resubmit any and all fees necessary before a replacement permit/sticker is issued.
- (f) Failure to Comply. Any person who operates a golf cart in the Town of Red Springs and fails to receive or properly display a Town of Red Springs permit/sticker will be subject to all applicable state laws, in addition to being in violation of this chapter.
- (g) Paperwork Maintained by Police Department. Golf cart owners must complete a registration form, waiver of liability form and provide a copy of the proof of liability prior to the golf cart being inspected. The complete forms and proof of insurance will be maintained by the Red Springs Police Department.
- (h) Enforcement. It shall be the policy of the Red Springs Police Department to issue a uniform citation against any person the office has probable cause to believe has violated this chapter.

- (i) Penalty. Any act constituting a violation of this chapter or a failure to comply with any of its requirements shall subject the offender, upon conviction, guilty of a misdemeanor and subject to a fine not to exceed \$50.00.

**SECTION 15-181. -- GOLF COURSES.**

Golf Courses shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) All golf course greens, tees and fairways shall be set back at least fifty (50) feet from any property line.
- (b) All structures shall be setback at least one hundred (100) feet from any property line. (c)

**SECTION 15-182. -- HAZARDOUS MATERIAL STORAGE AND TREATMENT.**

Hazardous material storage and treatment shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) The use shall comply with the Federal Resource Conservation and Recovery Act of 1976, as amended, [PL 94-580] and the North Carolina Solid Waste Management Act, as amended, (Article 13B. G.S. 130-166.16) for design, siting, and materials to be stored and treated.
- (b) All storage, treatment, and loading facilities handling hazardous materials will be located at least 200 feet from any property line and at least 1,250 feet from any lot not located in an industrial district. The required buffer area shall contain a sufficient amount of natural or planted vegetation so that such facilities are screened visually from an adjoining property not located in an industrial district.
- (c) A security fence at least eight (8) feet in height with a minimum 9-gauge fabric and 3 strands of barbed wire shall surround all facilities for the storage and handling of hazardous materials.
- (d) Vehicular access to the operation will be provided only by way of a U.S. or N.C. numbered highway.
- (e) All surface water and groundwater on the property will be protected so as to minimize, to the greatest possible extent, the probability of contamination by hazardous materials.
- (f) All sanitary sewer systems on the property will be protected so as to minimize, to the greatest possible extent, the probability of contamination by hazardous materials.

**SECTION 15-183. -- HEALTH CARE SERVICES AND FACILITIES.**

Health care services and facilities including hospitals shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) As defined by NCGS 131E-256, all health care facilities must be licensed by the State of North Carolina.
- (b) Health care facilities are subject to all local and federal regulations and the regulations of the North Carolina Administrative Code.
- (c) Where permitted in a residential district, the location, design, and operation of the health care facility must not alter the residential character of the neighborhood. The facility must retain a residential character, which must be compatible with the surrounding neighborhood. New buildings must be non-institutional in design and appearance and physically harmonious with the neighborhood in which they are located considering such issues as scale, appearance, density, and population.



SECTION 15.184. -. INTERNET CAFES AND COMPUTER GAMING ESTABLISHMENTS.

Internet Cafes and Computer Gaming Establishments shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

Internet cafes and gaming establishments have been banned by current North Carolina Law in a decision upheld by the North Carolina Supreme Court in December 2012.

SECTION 15.185. -. ITENERANT MERCHANTS AND FOOD VEDORS.

Itinerant merchants and food vendors shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) No itinerant merchant, peddler, food vendor or flea market operator shall conduct any business of any kind whatsoever within the corporate limits of the Town of Red Springs without first obtaining from the Town Manager a permit to do so.
- (b) Itinerant merchant, peddler, food vendor or flea market operator shall be defined as a person, persons or entity which does not have a regular City Privilege License and does not own a properly zoned area within the Town of Red Springs to conduct a business on a permanent basis or who does not have a long-term lease of a similar property for the aforesaid purpose. .
- (c) Food vendor shall mean a seller of farm produce, fruits, vegetables, honey, hams, sausage, bacon or the like in an unprepared state.
- (d) Applications for said permit shall be on a form as developed by the Town Manager and approved by the Town Attorney, but at a minimum shall require:
  - 1. Name, address and telephone number of the applicant and any proposed employees or representatives of the applicant.
  - 2. A description of the items to be offered to the public for sale.
  - 3. A summary of how, in the general course of business, these items are obtained by the applicant for resale.
  - 4. A listing, with street addresses of all locations in which the applicant has conducted business in the las year (inside or outside of the State of North Carolina).
  - 5. A description with street address of the proposed location for said activity within the town, including written and signed authorization of the property owner for the applicant to conduct said activity on his or her property.
  - 6. Such information, as is allowed by law, to assist in the conduct of a criminal background investigation of the applicant or his proposed employees or representatives.
  - 7. A detailed explanation of the applicant's accounting procedures as it relates to the collection and payment of sales tax.
  - 8. A bond by a licensed surety or a cash deposit in the amount of \$10,000.00 to protect the public from fraud, in such a form as is approved by the Town Attorney, which shall remain in effect for three years after last conduct of business within the Town of Red Springs.
- (e) An application fee of \$100.00 shall be paid at the time the application is made to cover the expenses of reviewing the application and administering the ordinance as it relates to the applicant.

- (f) The following activities are specifically exempted from this ordinance: Any food vendors operating within a government established farmer's market.
- (g) Food carts, trucks, or trailers which sell prepared foods in various locations in Town, Mobile Prepared Food Vendors, must:
1. Be approved by the Local Board of Health. Said approval must include, but not limited to, inspection of any cooking, food handling or washing equipment, review and approval of the [employee's](#) food handling and sanitation training and review and inspection [of the](#) food vendors preparation and storage methods.
  2. Have a permanent food preparation and equipment cleaning facility within the Town of Red Springs.
  3. Before serving any food, shall pay a \$250.00 annual license fee to cover the expenses of reviewing the application and administering the ordinance as it relates to the applicant.
  4. Have restaurateur and general liability insurance not less than \$50,000 with a deductible of no less than \$500.00.
  5. Fill out an application form developed by the Town Manager and approved by the Town Attorney providing the following information:
    - i. Name, address and telephone number of the applicant and any proposed employees or representatives of the applicant.
    - ii. A description of the items to be offered to the public for sale.
    - iii. A listing, with street addresses of all locations in which the applicant has conducted business in the las year (inside or outside of the State of North Carolina).
    - iv. Such information, as is allowed by law, to assist in the conduct of a criminal background investigation of the applicant or his/her proposed employees or representatives.
    - v. A detailed explanation of the applicant's accounting procedures as it related to the collection and payment of sales tax.
- (h) Any denial of a permit by the Town Manager may be appealed to the Town Board of Commissioners in writing by the applicant, addressed to the Mayor, if the same is done within 30 days of the denial.
- (i) Nothing in ordinance shall prohibit a local charitable, civic, school or church group from engaging in any such activity regulated herein if conducted only on an annual or semi-annual basis.
- (j) Violation of this ordinance is a misdemeanor and may be enforced by any means available to the Town for enforcement of its ordinances: criminal, civil or equitable.

**SECTION 15.186. -. LANDFILLS AND INCINERATORS.**

Landfills and incinerators shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) No refuse shall be deposited and no building or structure shall be located within 150 feet of the nearest property line.
- (b) The operation of a landfill or incinerator shall be in accordance with applicable State regulations.

**SECTION 15-187. -. MANUFACTURED HOME SALES LOTS/OFFICES.**

Manufactured Home Sales Lots and Offices shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) The manufactured homes located on a sales lot shall not occupy an area greater than fifty (50) percent of the total lot area.
- (b) Individual manufactured homes located on a sales lot shall be set back fifty (50) feet from the public street right-of-way.

**SECTION 15.188. -. PARKING AND STORAGE OF AUTOMOBILES WITHOUT CURRENT PLATES.**

Automotive vehicles or trailers of any kind or type without current license tags shall not be parked or stored in any residentially zoned property other than in a completely enclosed building.

**SECTION 15.189. -. SATELLITE DISH ANTENNA.**

Satellite Dish Antenna shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) Only one (1) satellite dish antenna shall be allowed per premises in residential districts.
- (b) In all zoning districts, a satellite dish antenna shall be considered an accessory structure and shall meet the setback requirements for accessory structures.
- (c) In all nonresidential districts, a satellite dish antenna may be installed on the roof of the principal structure. In all residential districts, a satellite dish antenna may be installed on the roof of the principal residence or accessory structure provided the overall diameter of the satellite dish antenna is three feet or less.
- (d) A satellite dish antenna shall be permanently ground or roof mounted (where permitted), and no satellite dish antenna shall be installed on a portable or moveable structure except to transport a satellite dish antenna to a permanent site or to provide a temporary on-site satellite dish antenna for testing purposes not to exceed seven days in duration.
- (e) No satellite dish antenna shall exceed an overall diameter of 12 feet nor an overall height of 20 feet above existing grade when located on the ground, and when located on the roof of a building in a nonresidential district, no satellite dish antenna shall exceed more than 10 feet above the highest point of the roof or parapet wall. When located on the roof in a residential district, no satellite dish antenna shall extend more than four feet above the highest point of the roof.
- (f) All satellite dishes shall be installed in compliance with FCC regulations.

**SECTION 15.190. -. STORAGE FACILITIES THAT ARE SELF-SERVICE.**

Storage Facilities that are self-service shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) Self-service storage facilities shall be limited to dead storage (such as furniture or files) only. (b) No outside storage will be permitted.
- (c) The sale of any item from or at a self-service storage facility shall be strictly prohibited. It shall be unlawful for any owner, operator or lessee of any self-service storage facility or any portion thereof to offer for sale, or to sell any item of personal activity of any kind whatsoever other than leasing of the storage units.
- (d) The vehicle accommodation area of such use shall be improved with either asphalt or concrete.
- (e) A driveway aisle for self-service storage shall be a minimum of twenty-four (24) feet. A driveway aisle where access to storage units is only one side of the aisle may be twenty (20) feet in width.

- (f) All outdoor lights shall be shielded to direct light and glare only onto the self-service storage premises and may be of sufficient intensity to discourage vandalism and theft. Lighting and glare shall be deflected, shaded, and focused away from all adjoining uses.

**SECTION 15-191. -- STREET ACCESS FOR LOTS WITH LIMITED ACCESS TO A PUBLIC STREET.**

No building shall be erected on a lot which does not abut a public street for a distance of at least 20 feet, provided that in a designated shopping center in a commercial district, or a planned project in a residential district, a building may be erected adjoining a parking area or other dedicated open space, used in common with other lots.

**SECTION 15.192. -- SWIMMING POOLS.**

Swimming pools shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

Pool construction shall conform to the North Carolina State Building and Plumbing Codes which are enforced by the Scotland County Inspections Office in Laurinburg. Any accessory building which houses pumping and filtering equipment must conform to the provisions of this Ordinance. Further provided that all swimming pools, inclusive of paved decks and all accessory buildings shall be located no closer than eight (8) feet to any property line.

- (b)(a) No swimming pool shall be located in the front yard of any residence.
- (c)(b) Fiberglass and plastic pools may be permitted provided the same meet accepted safety and construction standards.
- (d)(c) The Public Works Department may regulate the hours for filling of pools and no pool shall be drained during periods of rainfall.
- (e)(d) Owners of pools shall regulate their use in such a manner as not to create undue noise or disturbance.
- (f)(e) Construction Requirements.
- a. No exposed electric wires shall be nearer than five (5) feet from the water's edge, nor shall any exposed and permanently installed, electric wire within twenty-five (25) feet from the water's edge of the pool be less than ten (10) feet above the ground, nor shall wires of any kind cross or be over the water surface unless otherwise approved by the Robeson County Building Inspector.
  - b. There shall be no cross-connection of the town water supply with any other source of water supply for the pool. The line from the town water supply to the pool shall be protected against back flow of water by means of an air gap and shall discharge at least six (6) inches above the maximum [high-water](#) level of the make-up tank or the pool.
  - c. The drain line for the pool may be connected to the town sewer system if the following provisions are complied with:
    - i. Pool drain shall be connected to the storm water, if one is available.
    - ii. Where a storm sewer is not available, the pool drain may be connected to a sanitary sewer or a combined sewer subject to the approval of the Public Works Department provided an air gap discharge connection is installed.
    - iii. All swimming pools to be constructed or which are already constructed shall be enclosed by a fence which shall be at least four (4) feet in height and which shall be of a type not

readily climbed by children. The gates shall be of a self-closing and latching type with the latch on the inside of the gate, not readily available for children to open. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Code Administrator upon inspection and approval of the residence enclosure.

**SECTION 15-193. -- TATTOO PARLORS.**

Tattoo parlors shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) No Tattoo Parlor shall be located within 1,000 feet of a church, school, playground or other Tattoo Parlor and a minimum of 500 feet of road frontage shall separate all Tattoo Parlors from residential zoning districts.
- (b) Signage for Tattoo Parlors shall meet all requirements for signage in the General Business Zoning District (GB District).
- (c) Tattoo Parlors shall only be permitted to conduct business between the hours of 8:00 am and 11:00 pm.

**SECTION 15-194. -- TEMPORARY STORAGE.**

Temporary Storage facilities shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) Dumpsters or temporary storage facilities incidental to a natural disaster, or construction with a valid building permit, shall be exempt from these regulations.
- (b) Temporary storage facilities intended to be in place for greater than thirty (30) days shall require a zoning permit.
- (c) With the exception of the Industrial (I) zoning district, temporary storage facilities may be placed on a property a maximum of any ninety (90) day period during one calendar year from its initial placing on a property.
- (d) No temporary storage facility shall encroach into any public right-of-way. 7.6.5. No temporary storage facility shall be used as living space and/or a permanent accessory building.

**SECTION 15.195. -- TEMPORARY HEALTH CARE STRUCTURES.**

Temporary Health Care Structures shall be regulated as to location in the following manner in addition to other requirements of this Ordinance in accordance with NC Gen Stat. § [160D-915](#)

- (a) Definitions.

*Activities of daily living.* Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.

*Caregiver.* An individual 18 years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.

*First or second degree relative.* A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, or niece and includes half, step, and in-law relationships.

*Mentally or physically impaired person.* A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

*Temporary family health care structure.* A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that:

- (a) is primarily assembled at a location other than its site of installation,
- (ii) is limited to one occupant who shall be the mentally or physically impaired person,
- (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.1(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted.

(b) Structure is Permitted Accessory Use.

1. The town shall consider a temporary family health care structure used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver as the caregiver's residence as a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings.
2. The town shall consider a temporary family health care structure used by an individual who is the named legal guardian of the mentally or physically impaired person a permitted accessory use in any single-family residential zoning district on lots zoned for single-family detached dwellings in accordance with this section if the temporary family health care structure is placed on the property of the residence of the individual and is used to provide care for the mentally or physically impaired person.

(c) One Structure per lot. Only one temporary family health care structure shall be allowed on a lot or parcel of land. The temporary family health care structure shall not require a special use permit or be subjected to any other local zoning requirements beyond those imposed upon other authorized accessory use structures, except as otherwise provided in this section.

(d) Setbacks. Temporary family health care structures shall comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure.

(e) Permit Required. Any person proposing to install a temporary family health care structure shall first obtain a permit from the town.

(f) Annual Re-certifications. Annually, on the anniversary of the permit date, and for as long as the structure remains on the property, the owner or caregiver must provide evidence of compliance continued need for

the structure. The evidence may involve the inspection by the town of the temporary family health care structure at reasonable times convenient to the caregiver, not limited to any annual compliance confirmation, and annual renewal of the doctor's certification.

- (g) Connection to Utilities. Any temporary family health care structure installed under this section may be required to connect to any water, sewer, and electric utilities serving the property and shall comply with all applicable State law, local ordinances, and other requirements, including Part 5 of this Article, as if the temporary family health care structure were permanent real property.
- (h) Signage. No signage advertising or otherwise promoting the existence of the temporary health care structure shall be permitted either on the exterior of the temporary family health care structure or elsewhere on the property.
- (i) Removal of Structure. Any temporary family health care structure installed pursuant to this section shall be removed within 60 days in which the mentally or physically impaired person is no longer receiving or is no longer in need of the assistance provided for in this section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.
- (j) Revocation of Permit. The town may revoke the permit granted pursuant to subsection (e) of this section if the permit holder violates any provision of this section or G.S. 160A-202. The town may seek injunctive relief or other appropriate actions or proceedings to ensure compliance with this section or G.S. 160A-202.
- (k) Tax. Temporary family health care structures shall be treated as tangible personal property for purposes of taxation.

**SECTION 15.196. -. TEMPORARY USES- GENERALLY.**

Temporary uses shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) All temporary use/sales require the issuance of a zoning permit. The Code Administrator may impose requirements in the zoning permit intended to ensure compliance with this Ordinance.
- (b) A zoning permit for a temporary use may also authorize one temporary sign, not to exceed 40 square feet in sign surface area, associated with the temporary use.
- (c) Temporary sales are permitted on CB and GB zoned property provided that no more than four (4) events occur within a 365-day period on an individual parcel. Each individual sales event shall be limited to two (2) calendar day's duration. The operator of each temporary sales event shall have the written permission of the property owner or manager of the principal business located on the property on which the temporary sale is to be conducted. If more than four (4) events occur within a 365 calendar day period, they must be located on a property owned or leased by a registered 501(c)(3) for tax purposes and the permit shall be issued only to the 501(c)(3) organization. Christmas tree and accessory natural ornamental sales may be conducted from three (3) calendar days prior to Thanksgiving until 5:00 pm on Christmas Eve.

- (d) Temporary uses for which the primary purpose is not the sale of commodities shall have a maximum specified time (specified by zoning permit) limit of seven (7) calendar days. Such temporary uses shall include assembly of people for entertainment, holiday festivals, social, political, religious or similar activities. Temporary uses, described in this section, which include the sale/use of alcoholic beverages shall submit all ABC permits with the application for a zoning permit. No permanent building shall be located on any lot for the exclusive purpose of operating any temporary use(s). Temporary uses may be unlike the customary or usual activities generally associated with the property where the temporary use is to be located. Any use intended for temporary and limited duration, operated as an accessory or principal use, shall be subject to applicable location, setback, parking, land use and other standards for the district in which it is located.
- (e) Temporary sales conducted on the grounds of a church, synagogue, temple, or other religious building or schools/colleges for the purpose of raising funds for the support of the principal use are considered accessory services. The religious institution or school/college must request the zoning permit. 7.39.6. Temporary uses are not allowed on any OI zoned parcel which is adjacent to any residentially zoned or used parcel, excluding parcels separated by a public right-of-way.

**SECTION 15.197. -- TIRE SALES; TIRE STORAGE.**

Tires and disposal of tires shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:

- (a) All properties not in the business of selling tires shall:
  - 1. Store tires in an enclosed building or, if stored outdoors, tires shall be screened from view of the public [rights-of-way](#) and adjacent properties.
  - 2. Protect tires stored outside from rain so that a buildup of water which is a haven for mosquitos is not created.
  - 3. Store no more than five (5) tires at one time.
- (b) Commercial and industrial businesses which sell new and/or used tires shall:
  - 1. Store tires in an enclosed building or, if stored outdoors, tires shall be screened from view of the public [rights-of-way](#) and adjacent properties.
  - 2. Protect tires stored outside from rain so that a buildup of water which is a haven for mosquitos is not created.
  - 3. Store no more than one hundred fifty (150) tires at one time.
  - 4. Mark all tires stored outside with the date that tire was placed in storage so that the date can be clearly seen by an inspector.
  - 5. Maintain stored tires for no more than 30 days.
  - 6. Stack tires neatly no more than eight (8) tires high.

**SECTION 15.198. -- WALLS AND FENCES.**

Fences and walls shall be regulated as to location in the following manner in addition to other requirements of this Ordinance:



- (a) Residential Districts: Fences and walls may be permitted in any required yard, or along the edge of any yard, subject to the following limitations:
1. Fences and walls in the rear yard of residential lots shall not exceed six (6) feet in height.
  2. Fences and walls in front and side yards shall not exceed four (4) feet in height.
  3. The material of the fence or wall shall be chain link, privacy screening, wrought iron, wood, stucco, brick, stone or a combination of these.
    - i. Picket fences- the width of the picket shall not be less than 2 inches nor wider the four inches. A maximum of four inches shall be spaced between pickets.
    - ii. Post and Rail – if wire is placed against a post and rail fence, the openings in the wire must be not less than three inch by two inches openings; the wire must be on the inside; and be of a muted color such as black, green or brown.
    - iii. Chain Link – the fence must be vinyl coated in black, green or brown; if the fence is on or near a property line and a buffer is not otherwise required, a [five-foot](#) setback from the property line must be maintained.
    - iv. Board- the board must be of a muted color.
    - v. Shadow Box Fences – Board width is to be no less than four inches and not more than ten inches with a minimum overlap of one inch; post size is to be no less than four inches by four inches and not more than six inches by six inches.
  4. The finished side of the fence shall face outward.
  5. Fences along any property line shall not be constructed so that they obstruct sight distance at a driveway for residents or adjoin property owners or at intersections.
  6. The setback requirements contained in these regulations shall not prohibit any necessary retaining wall nor prohibit any planted buffer strip, fence or wall in any district.
  7. These restrictions shall not apply to a bona fide farm nor to recreational facilities.

(Ord. adopted, 6-4-2007)

- (b) All other districts:
1. Fences and walls in the rear yard of residential lots shall not exceed six (6) feet in height.
  2. The material of the fence or wall shall be chain link, privacy screening, wrought iron, wood, stucco, brick, stone or a combination of these.
  3. If the area to be fenced is to be used primarily for storage, then the chain link fences constructed along streets or public rights-of-way shall have slats installed to screen the area from public view.
  4. Fences constructed on corner lots shall be angled at street intersections, so that adequate sight distance is provided.
  5. These restrictions shall not apply to a bona fide farm nor to recreational facilities. 6. Permanent signs are not allowed on fences in the commercial districts.

SECTION 15.199. – 15.210. - RESERVED