

CHAPTER 153: ZONING

Section

General Provisions

153.001	Authority and enactment
153.002	Title
153.003	Purpose
153.004	Jurisdiction
153.005	Definitions
153.006	Application of regulations
153.007	Interpretation of regulations
153.008	Exceptions and modifications
153.009	Visibility at intersections
153.010	Regulations concerning home occupations
153.011	Accessory uses
153.012	Buffer strips
153.013	Nonconformities
153.014	Commercial and industrial complexes
153.015	Lots on which principal buildings, structures, and uses are established must abut street
153.016	Establishment of zoning vested right
153.017	Approval procedures and approval authority
153.018	Duration of rights
153.019	Termination of rights
153.020	Voluntary annexation
153.021	Limitations
153.022	Legal status provisions

Amendments

153.035	Initiation of amendments
153.036	Application
153.037	Public hearing
153.038	Protest petitions

Administrative Procedures

153.050	Zoning Administrator
153.051	Zoning permit

Enfield - Land Usage

- 153.052 Certificate of occupancy/compliance
- 153.053 Conformance with plans
- 153.054 Right of appeal
- 153.055 Special uses and conditional uses
- 153.056 Application to, hearing by Board of Adjustment on appeals, variances and conditional uses and by the Board of Commissioners on special uses
- 153.057 Conditions which must be met by special and conditional uses

Board of Adjustment

- 153.070 Creation; membership
- 153.071 Organization; rules of procedure
- 153.072 Decision; appeal
- 153.073 Powers and duties

District Regulations

- 153.085 Establishment and purpose of districts
- 153.086 Zoning map
- 153.087 Interpretation of boundaries
- 153.088 Amendments to official zoning map
- 153.089 True copy of map to be maintained
- 153.090 Replacement and preservation of official zoning map and true copy
- 153.091 Regulations for districts
- 153.092 Regulations for commercial and light industrial districts
- 153.093 Landscape requirements

Parking and Loading Requirements

- 153.105 Off-street parking requirements
- 153.106 Off-street loading requirements
- 153.107 Regulation of parking in residential districts

Signs

- 153.120 Scope
- 153.121 General regulations
- 153.122 Prohibited signs
- 153.123 Off-site advertising signs
- 153.124 Nonconforming signs
- 153.125 Permitted signs

Mobile Homes and Mobile Home Parks

- 153.140 Mobile homes on individual lots
- 153.141 Additional requirements

- 153.999 Penalty

GENERAL PROVISIONS**§ 153.001 AUTHORITY AND ENACTMENT.**

In pursuance of the authority granted by the G.S. Chapter 160A, Article 19, part 3, be it ordained by the Board of Commissioners as follows in this chapter.
(1993 Code, § 78-1)

§ 153.002 TITLE.

This chapter shall be known and may be cited as the Zoning Code of the Town of Enfield, North Carolina, and may be referred to as the Zoning Code.
(1993 Code, § 78-2)

§ 153.003 PURPOSE.

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

(B) The zoning regulations in this chapter are in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. The regulations have been made with reasonable consideration, among other things, as to the character of the jurisdiction and its areas and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdiction.
(1993 Code, § 78-3)

§ 153.004 JURISDICTION.

The area to which this chapter applies is shown on the official zoning map.
(1993 Code, § 78-4)

§ 153.005 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Except as defined in this section or in other sections of this chapter, all words used in this chapter shall have their customary dictionary definition. Unless the context clearly indicates otherwise, the terms used in this chapter shall have the meanings indicated below.

(A) *Interpretation of commonly used terms and words.*

LOT. Includes the words **PLOT**, **PARCEL** and **TRACT**.

MAP, ZONING MAP or ENFIELD ZONING MAP. Shall mean the official zoning map of Enfield, North Carolina.

STRUCTURE. Includes the word **BUILDING**.

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

(B) *Definitions of commonly used terms and words.*

ABUTTING. The property directly touches another piece of property.

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

ADULT ESTABLISHMENT. Any business or enterprise that has as one of its principal business purposes or as a significant portion of its business an emphasis on matter and conduct depicting, describing, or related to anatomical areas and sexual activities specified in G.S. § 14-202.10, including but not limited to an adult bookstore, adult motion picture theater, adult mini motion picture theater, adult live entertainment businesses or massage businesses in which a person performing the massage does so while exhibiting anatomical areas specified in G.S. § 14-202.10 or in which the massage involves the intentional stimulation of those specified anatomical areas.

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

BUFFER STRIP. A strip which shall be a minimum of 16 feet in width, shall be composed of evergreen bushes, shrubs and/or trees so that at least two rows of coverage are provided from the ground to a height of six feet within six years and foliage overlaps, or a barrier constructed of stone, block, brick or other suitable building material, with a minimum height of five feet. The 16 feet required for the buffer strip shall be in addition to all normal yard requirements this chapter.

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

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

COMMERCIAL ADULT AMUSEMENT BUILDING. Any building that includes more than two commercial adult game machines, or which offers or provides any prize, money or other thing of value to any commercial adult game machine user.

COMMERCIAL ADULT GAME MACHINE. Any lawful electronic device used for commercial purposes that is designed to simulate gambling or a game of chance and which is marketed primarily for adults. Without limitation, common examples include video poker, blackjack, Texas Hold 'Em, 7-card Stud, Omaha, and craps.

COMMERCIAL CHILD GAME MACHINE. Any lawful electronic device used for commercial purposes that is designed as an amusement game, marketed primarily for children and young adults, involves skill or dexterity, is not a game of chance, and which is commonly found in video arcades. Without limitation, common examples include Pac-Man, Super Mario Brothers, Space Invaders and Donkey Kong. Provided, that no money may be awarded to any user of a commercial child game machine.

COMMUNITY SHELTER. A building used by a government agency or a nonprofit organization to provide a temporary residence and related services to the homeless, victims of domestic violence and others deprived of safe living quarters. A **COMMUNITY SHELTER** also may be used for meetings, classes, workshops, or similar activities related to the shelters mission, and may serve as offices and residence for individuals providing services related to the shelter.

CONDOMINIUM. A project meeting the requirements of G.S. §§ 47A-1 *et seq.* The type of structure and use rather than condominium form of ownership shall be the determining factor in deciding whether a use is permitted in a district.

DISH ANTENNA (OR EARTH STATION). An accessory structure and shall mean a combination of antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources; a low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and a coaxial cable whose purpose is to carry the signals into the interior of the building.

DISH ANTENNA (OR EARTH STATION) HEIGHT. The distance as measured vertically from the highest point of the antenna or dish, when positioned at its lowest angle for operation, to ground level at the bottom of the base which supports the antenna.

DISH ANTENNA (OR EARTH STATION) SETBACK. The distance measured from the center mounting post supporting the antenna.

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

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

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

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

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

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

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

HOME OCCUPATION. An incidental use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or service. The term ***HOME OCCUPATION*** shall not be deemed to include a tourist home.

JUNKYARD. The use of more than 600 square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal or other junk, including the storage of automobiles or other vehicles or dismantling of vehicles or machinery or parts thereof.

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

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

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

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

LOT DEPTH. The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear. On lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of § 153.015 of this chapter, the foremost points of the side lot lines shall be measured at the place where the access strip joins the main portion of the lot.

LOT OF RECORD. A lot which is part of a subdivision recorded in the office of the Register of Deeds of the county or lot described by metes and bounds the description of which has been so recorded.

LOT WIDTH. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard; provided however, that width between side lot lines at their foremost points (where they intersect the right-of-way line, or for lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of § 153.015, at the place where the access strip joins the main portion of the lot) shall not be less than 80% of the required lot width, except in the case of the turning circle of cul-de-sacs where the 80% requirement shall not apply.

MOBILE HOME. A factory-assembled, movable dwelling consisting of two or more combined units that has a cumulative width, when combined, of at least 28 feet designed and constructed to be towed on its own chassis, comprised of frame and wheels, to be used without a permanent foundation and distinguishable from other types of dwellings in that the standards to which it is built include provisions for its mobility on that chassis as a vehicle. A dwelling meeting the above definition shall be considered a **MOBILE HOME**, even if placed on a permanent foundation. Mobile homes less than 28 feet wide (commonly referred to as single wide mobile homes) are prohibited.

MOBILE HOME PARK. Any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for these accommodations.

MODULAR HOME. A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label as provided in G.S. § 143-139.1.

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

PLANNED UNIT DEVELOPMENT. As defined in section § 153.057(C)(2).

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

PUBLIC USE. A public use is a building owned or operated by a public entity, including but not limited to emergency services, government services, and public parks and recreation facilities.

RESTAURANT. An establishment whose primary purpose is serving meals to patrons. In order to qualify as a restaurant, the establishment must provide indoor dining room seating to accommodate at least 20 patrons, and must provide indoor restrooms sufficient to accommodate its patrons.

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

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

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

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

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.

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

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

open or solid, shall be computed as part of the sign area. The total **SIGN AREA** for a double-faced sign shall be measured on the largest face of the sign. Where three-dimensional figures are used as signs, the largest dimensions of the figure shall be projected on a vertical plane and measured in the standard manner.

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

GROUND SIGN. A sign erected on a freestanding frame, mast, and/or pole and not attached to any building, fence, or wall.

IDENTIFICATION SIGN. A sign which contains any or all of the following: the name of the occupants, owner, or establishment; the type of establishment; the name of the franchise; the hours of operation; and house number, when located on the site of the establishment.

OFF-SITE ADVERTISING SIGN (BILLBOARD). A sign which contains information about an establishment, business, commodity, activity, or service not conducted, sold or offered upon the premises where the sign is located and not otherwise allowed in Table of Permitted Signs, § 153.125, and which is not specifically regulated in Table of Permitted Signs, § 153.125 as a directional sign to churches, meeting halls, civic clubs, or garage sales, or as a temporary sign.

ON-SITE ADVERTISING SIGN. A sign which contains information about an establishment or the products or services that it offers, other than that contained in an identification sign, when located on the same site as the establishment to which it refers.

PROJECTING SIGN. A sign which extends beyond and is attached to a building wall and may extend over a public right-of-way.

ROOF SIGN. A sign attached to and extending upward from the roof of the structure.

TEMPORARY SIGN. A sign which notifies the public of special events, grand openings, or other significant, temporary occurrences, not of a recurring nature. A **TEMPORARY SIGN** may be constructed of any suitable material; however, any sign constructed of other than a self-supporting material (i.e., wood, metal and the like) except as otherwise permitted in this chapter, shall be considered temporary.

WALL SIGN. A sign which is attached flat to the wall or facade of a building, or to a fence or wall.

SOLAR COLLECTION SYSTEM. One or more panels or other solar energy devices principally used as an accessory use, the primary purpose of which is to provide for the non-commercial collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating.

SOLAR FARM. An energy generation facility or area of land principally used to convert solar energy to electricity, which includes but is not limited to the use of two or more solar collection systems.

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

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

VARIANCE. A relaxation of the terms of this chapter under the specific conditions set forth in § 153.073(B).

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

YARD, FRONT. A yard extending the full width of the lot and situated between the right-of-way line and the front line of the principal structure or use projected to the side lines of the lot. Depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines in the case of rounded property corners at street intersections shall be assumed to be the point at which the side and front lines would have met without the rounding. The foremost points of the side lot line in the case of lots having an access strip extending from the front of the main portion of the lot in order to comply with the requirements of § 153.015 shall be measured at the place where the access strip joins the main portion of the lot. However, nothing may be placed in the access strip that is not permitted by this chapter to be placed in a front yard. Front and rear yard lines shall be parallel.

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

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

ZONING ADMINISTRATOR. The official charged with the enforcement of this chapter. (1993 Code, § 78-5) (Am. Ord. 7-12-2004; Am. Ord. passed 8-8-2005; Am. Ord. 2009-05, passed 8-17-2009; Am. Ord. 2009-07, passed 8-17-2009; Am. Ord. 2010-03, passed 7-19-2010; Am. Ord. 2012-01, passed 4-16-2012; Am. Ord. 2013-02, passed 4-15-2013; Am. Ord. 2013-08, passed 9-16-2013)

§ 153.006 APPLICATION OF REGULATIONS.

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

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

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

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

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

(E) In any district, no more than one principal building or use may be erected on a single lot of record, except as specifically permitted in other sections of this chapter.
(1993 Code, § 78-6) Penalty, see § 153.999

§ 153.007 INTERPRETATION OF REGULATIONS.

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

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

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

(C) Unless restrictions established by covenants with the land are prohibited by or contrary to the provisions of this chapter, nothing herein contained shall be construed to render these covenants inoperative.
(1993 Code, § 78-7) Penalty, see § 153.999

§ 153.008 EXCEPTIONS AND MODIFICATIONS.

(A) The minimum front yard requirements of this chapter for dwellings shall not apply on any lot where the average front yard of existing dwellings located wholly or in part within 100 feet on each side

of the lot within the same block and zoning district and fronting on the same side of the street is less than the required front yard. In these cases, the front yard on the lot may be less than the required front yard but not less than the adjacent dwelling with the greatest front yard depth or the average front yard of existing dwellings located wholly or in part within 100 feet on each side, whichever is greater.

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

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

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

(E) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but the projection shall not exceed three feet.

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

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

(1993 Code, § 78-8) Penalty, see § 153.999

§ 153.009 VISIBILITY AT INTERSECTIONS.

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in a manner as materially to impede vision between a height of 2-1/2 and ten feet in a triangular area formed by a diagonal line between two points on the right-of-way lines, 20 feet from where they intersect.

(1993 Code, § 78-9) Penalty, see § 153.999

§ 153.010 REGULATIONS CONCERNING HOME OCCUPATIONS.

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

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

(B) Pedestrian and vehicle traffic at the businesses shall be subject to regulation under other town ordinances, including nuisances and traffic control. Any vehicles shall be parked off the street. The parking of any vehicles on the property, other than an automobile, shall be in an enclosed building as described in division (C) below, or shall be a conditional use subject to approval by the Board of Adjustment.

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

(D) A home greenhouse shall be permitted provided that the greenhouse meets the requirements of § 153.011 and that any sales in connection with the greenhouse meet the requirements of this section.

(E) No outdoor sales or storage shall be permitted in connection with the home occupation. This provision shall not apply to incidental residential yard sales.

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

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

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

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

(J) The following are strictly prohibited as home occupations: car washes; commercial automotive repair garages; truck terminals; slaughterhouses; paint, petroleum and chemical plants; any occupation which involves the bulk storage of liquid petroleum, gasoline, kerosene or other flammable liquids; funeral homes and mortuaries; massage parlors; sale of reading or viewing material of a pornographic nature; movie theaters; animal hospitals and kennels; and bottled gas sales.
(1993 Code, § 78-10) Penalty, see § 153.999

§ 153.011 ACCESSORY USES.

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

(A) An accessory building, structure, or use is a permanent building, structure, or use on the same lot or site with, of a nature customarily incidental and subordinate to, and of a character related to the principal use or structure. An accessory building, structure or use is one intended for permanent location and is generally not used for shipping or repeated transport. A portable on demand storage unit (POD) is a mobile shipping container primarily used for storage and intended for temporary use. A POD is generally intended for repeated, mobile transport.

(B) Accessory uses to single-family, two-family and multi-family dwellings may not include commercial uses, except as permitted as home occupations in § 153.010 or for multi-family dwellings, as allowed by the Board of Adjustment in accordance with the provisions of § 153.057 .

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

(D) No accessory building shall exceed 35 feet in height, nor shall any accessory building exceed the principal building in height. No accessory building shall exceed 1,500 square feet in area, or 20% of the area of the principal building, whichever is less.

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

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

(G) Accessory buildings or recreational structures or uses may be located in the rear yard, or may be located in the buildable area on the side of a structure, but the side yard shall not be encroached upon.

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

(I) Recreational uses and buildings accessory to apartment complexes shall be in accordance with § 153.057.

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

(1) For the purposes of this section, a fence is a barrier composed of wire, wood, metal, plastic, or a similar material and a wall is a barrier composed of brick, stone, rock, concrete block, or a similar masonry material.

(2) Fences may not exceed seven feet in height, except that in commercial and industrial districts a fence may not exceed ten feet in height. Fences greater than seven feet in height shall be of an open type similar to woven wire or wrought iron. Fences and walls may exceed the height requirements of this section if required or specifically authorized in another section of this chapter.

(3) Fences and walls are exempt from the setback requirements of this chapter.

(4) No fence or wall shall impede vision as regulated in § 153.015.

(5) Fences, if replaced, shall meet the requirements of this section.

(K) Satellite dish antennas (earth stations) are permitted as an accessory use or structure to any principal use or structure so long as they are not greater than 40 inches in diameter in any residential district or greater than 80 inches in diameter in any non-residential district. Satellite dish antennas that are greater than 40 inches in diameter in any residential district or greater than 80 inches in diameter in any non-residential district are permitted as an accessory use or structure provided that they comply with the following regulations. These standards shall not be interpreted or enforced in any manner contrary to federal or state law.

(1) *General requirements.*

* (a) A building permit is required when installing, moving, or substantially constructing or reconstructing a dish antenna.

(b) A dish antenna must be installed in compliance with the manufacturer's specifications as a minimum.

* (c) In all residential districts, dish antennas must be installed on the ground.

(d) In commercial and industrial districts, dish antennas may either be installed on the ground or on the roof of the building. If installed on the roof, the dish shall not be larger than 12 feet in diameter, shall not project higher than ten feet above the maximum building height of the zoning district or more than 1/3 the actual building height above the roof, whichever is less, shall be set back from the front and sides of the building at least 18 feet, and shall not be used for any advertising purposes. A dish antenna may be installed on the top of another part of the building which is lower than the roof, such as a balcony or parking deck only if the location is at the rear or side of the building and all other requirements are met.

(e) A dish antenna may be attached to an accessory building which is permanently secured to the ground, but may not be attached to the principal building except as provided for in division (K)(1)(d) above.

(f) If a dish antenna is repainted, the only permissible colors are the original color used by the manufacturer or flat black. The paint must have a dull (nonglossy) finish and no patterns, lettering, or numerals shall be permitted on either side of the dish surface.

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

(2) *Location in yards.*

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

(b) In commercial districts only, a dealer selling dish antennas may have a maximum of one antenna installed in the front or side yard for display purposes providing all other requirements are met. If a dealer displays a dish antenna in the front yard or side yard, his or her permissible sign area shall be reduced by 1/2.

(3) *Setback requirements.*

(a) The minimum required setback for dish antennas from the side lot line shall be the same as for the principal building except on corner lots. On the side abutting the street the minimum required setback shall be the side yard setback requirement plus ten feet.

(b) The minimum required setback for dish antennas from the rear lot line shall be 11 feet or the same as accessory buildings, whichever is greater, but in no case shall any part of the antenna come closer than five feet to the property line.

(c) In districts where there are no side or rear yard requirements, a minimum setback of 11 feet from the side and rear lot lines shall be required of dish antennas, but in no case shall any part of the antenna come closer than five feet to the property line.

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

(4) *Maximum height requirements.*

(a) In all residential districts, the maximum height of dish antennas shall be 15 feet or the height of the principal building, whichever is less.

(b) In commercial and industrial districts, the maximum height of dish antennas installed on the ground shall be 20 feet. Dish antennas mounted on the roof of a building shall not project higher than ten feet above the maximum building height.

(L) In addition to complying with the requirements provided in this section, a person may place not more than one POD on an individual lot. Notwithstanding division (G), a POD may be placed in the driveway of the individual lot so long as it is not placed directly in front of the primary structure. Before placing a POD on an individual lot, the owner(s) of the property must apply for and receive a permit from the town authorizing the placement of the POD at that location. No more than one permit shall

be issued per individual lot. The permit fee shall be \$15. The permit shall authorize the placement of the POD for not more than 180 days. No permit shall be issued authorizing renewal beyond the 180-day period. Any POD not authorized by this section shall be a nonconforming use in violation of this chapter.

(M) Solar collection systems are permitted as an accessory use provided that they comply with the following regulations.

(1) No freestanding solar panels shall be permitted within the town.

(2) Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within three feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.

(3) Systems located on the roof shall provide design review and structural certification if the slope of the panel differs from the roof pitch. All panels on commercial roofs shall provide this information regardless of slopes, as well as any residential roof with greater than 50% coverage.

(4) The manufacturers' or installers' identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.

(5) No solar collection system shall be installed until evidence has been given to the Town Code Enforcement Office that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator, if applicable. Off-grid systems shall be exempt from this requirement.

(6) Any panels installed to be used by someone other than the owner of the property shall provide an affidavit or evidence of agreement between the lot owner and facility's owner or operator confirming the facility owner or operator has permission of the property owner to install and utilize solar panels.

(7) Solar panels shall be placed such that concentrated solar radiation or glare shall not be directed onto nearby properties or roadways.

(8) In addition to the requirements listed above, all panels must adhere to all local, state and federal requirements regulating solar collection systems.

(9) Solar collection systems shall not be used for displaying any advertising, except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from the property line.

(10) The design of solar collection systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.

(11) The following shall be met for decommissioning: solar collection systems which have not been in active and continuous service for a period of one year shall be removed from the property to a place of safe and legal disposal.

(1993 Code, § 78-11) (Am. Ord. 2009-08, passed 8-17-2009; Am. Ord. 2010-03, passed 7-19-2010; Am. Ord. 14-10, passed 8-19-2014) Penalty, see § 153.999

§ 153.012 BUFFER STRIPS.

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

(A) A buffer strip shall consist of a planted strip which shall be a minimum of 25 feet in width, shall be composed of evergreen bushes, shrubs, and/or trees so that at least two rows of coverage are provided from the ground to a height of six feet within six years and foliage overlaps. A buffer strip may also be constructed of stone, block, brick, or other suitable building material, with a minimum height of five feet. The 25 feet required for the buffer strip shall be in addition to all normal yard requirements of this chapter.

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

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

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

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

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

(G) Where it is clear that a smaller buffer will protect neighboring property from harmful effects, the Board of Adjustment or Board of Commissioners, for special uses, may reduce the buffer to 15 feet and one row of trees.

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

(1993 Code, § 78-12) Penalty, see § 153.999

§ 153.013 NONCONFORMITIES.

A lawful preexisting use, structure, or lot which does not meet the requirements of this chapter is called a nonconformity. Special provisions apply to nonconformities and these are listed in divisions (A) through (E) of this section. In lieu of the provisions in this section, nonconforming signs shall comply with the requirements in §§ 153.120 *et seq.* and nonconforming mobile home parks shall comply with requirements in §§ 153.050 *et seq.*

(A) *Existing nonconforming structures.*

(1) The conforming use of a structure as explained in division (D) of this section, existing at the time of the adoption of this chapter, may be continued although the structure's size on location does not conform with the yard, dimensional, height, parking, loading, access, lot area and lot coverage provisions of this chapter. These structures are called substandard structures.

(2) Substandard structures with conforming uses may be added to or enlarged provided that the enlargements comply with the yard, height, parking, loading, access and all other applicable requirements of this chapter for the district in which the structure is located.

(3) Substandard structures which are damaged or destroyed by fire, explosion, flood or other calamity, may be reconstructed in accordance with preexisting, nonconformities within one year of the disaster. The one-year period begins the day after the disaster. To qualify under this exception, a building permit must be applied for. Construction timing then reverts to applicable building permit requirements. If construction has not begun within the one-year time period, any subsequent construction shall comply with the yard, height, parking, loading, access and all other applicable provisions of this chapter for the district in which the structure is located unless the structure is situated on a substandard lot of record, in which case the provisions concerning substandard lots of record shall apply, or unless the incomplete nature of the damage would make it more feasible to rebuild on the same lot, in which case the Board of Adjustment is authorized to approve a variance to allow the reconstruction or replacement.

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

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

(1) Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be enlarged or extended, nor may any additional structures be added to be

occupied by the nonconforming use, except that existing cemeteries can expand to the boundaries of the property which they owned at the time they became nonconforming, provided that required setbacks are met;

(2) Normal maintenance, repair and incidental alteration of a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use. A structure occupied by a nonconforming use may be changed to make the structure more in character with the uses permitted in the district in which it is located;

(3) If the nonconforming use is damaged by fire, explosion, flood or other calamity to the extent of more than 75 % of its current replacement value, it shall not be restored except so as to comply with the use provisions of this chapter, except that nonconforming single-family and two-family dwellings, and mobile homes, may be restored in accordance with the provisions of division (A)(3) of this section;

(4) If the nonconforming use is discontinued or terminated for a period of more than 180 days, any future use of the structure, land or water shall comply with the provisions of this chapter. However, upon application, the Board of Adjustment may grant an additional 90-day extension if the applicant can prove hardship;

(5) A nonconforming use may not be moved off the lot on which it is located unless when relocated it complies with the regulations for the district in which it is to be relocated;

(6) The Board of Adjustment may permit as a conditional use a change in nonconforming use provided that the requirements of division (B)(1), (2), (3), (4) and (5) of this section are met and the Board of Adjustment finds that the new use would be more in character with the uses permitted in the district than the previous use. In permitting the change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter; and

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

(C) Existing vacant substandard lots.

(1) Where the owner of a lot at the time of adoption of this chapter or successor in title thereto does not own sufficient land to enable him or her to conform to the lot area or lot width requirements of this chapter, the lot may be used as a building site for a single-family residence in a district in which residences are permitted, provided that the lot width and lot area are not more than 20% below the minimum specified in this chapter, and further provided that the County Health Department approves

the reduction if on-site water or wastewater facilities are involved. In cases where the lot area and lot width are more than 20% below the minimum specified in this chapter or other requirements cannot be met, the Board of Adjustment is authorized to approve as a variance the dimensions as shall conform as closely as possible to the required dimensions if the County Health Department submits a letter of approval if on-site water or wastewater facilities are involved. If the preexisting substandard lot is not in a district where single-family residences are permitted, the Board of Adjustment may issue a variance to allow some reasonable use.

(2) If two or more adjoining and vacant lots are in one ownership when this chapter is adopted, or at any time after the adoption of this chapter and the lots individually do not meet the minimum dimensional requirements of this chapter for the district in which the lots are located, then the group of lots shall be considered as a single lot or several lots of minimum permitted width and area for the district in which located, and therefore, the provisions of division (C)(1) of this section do not apply. Further, if the lots are joined into one or more standard lots to meet the requirements of this chapter, the new lots must be recorded with the County Recorder of Deeds and cannot be subdivided in the future without appropriate application.

(D) Conforming uses and structures.

(1) Any use or structure existing prior to the effective date of this chapter which conforms to the regulations of this chapter for permitted uses and satisfies the dimensional requirements and any other applicable regulations of the district in which it is located, may be continued, provided any changes in use or structural or other changes shall comply with the provisions of this chapter.

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

(E) Effect of amendments. If subsequent amendments to this chapter or the official zoning map result in the creation of additional nonconformities or conformities, the nonconformities or conformities shall be governed by the provisions of this section unless otherwise stated in the amendment.
(1993 Code, § 78-13) (Am. Ord. 2009-07, passed 8-17-2009)

§ 153.014 COMMERCIAL AND INDUSTRIAL COMPLEXES.

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

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

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

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

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

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

(F) The minimum spacing between buildings in a complex shall be in accordance with the yard requirements of the district in which the project is located.
(1993 Code, § 78-14) Penalty, see § 153.999

§ 153.015 LOTS ON WHICH PRINCIPAL BUILDINGS, STRUCTURES, AND USES ARE ESTABLISHED MUST ABUT STREET.

(A) Except as provided in division (B) of this section, no principal building, structure or use may be erected or established on any lot which does not abut at least 20 feet on one of the following:

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

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

(B) The Board of Commissioners may authorize, as a special use, the erection or establishment of a principal building, structure or use on a lot not meeting these requirements if it is clear that adequate provision for access for the type and intensity of use proposed has been or will be provided, and there are special circumstances, such as the rural nature of the lot and area, which make the application of these requirements to the proposed use infeasible or undesirable.
(1993 Code, § 78-15) Penalty, see § 153.999

§ 153.016 ESTABLISHMENT OF ZONING VESTED RIGHT.

(A) A zoning vested right shall be deemed established upon the valid approval, or conditional approval, of a site specific development plan, following notice and public hearing.

(B) The approving authority may approve a site specific development plan upon the terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.

(C) Notwithstanding divisions (A) and (B) of this section, approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(D) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

(E) The establishment of a zoning vested right shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this chapter.

(F) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise the right while applicable.

(1993 Code, § 78-16)

§ 153.017 APPROVAL PROCEDURES AND APPROVAL AUTHORITY.

(A) Except as otherwise provided in this section, an application for site specific development plan approval shall be processed in accordance with the procedures established in this chapter for a conditional use permit, special use permit, or zoning permit as applicable. The Board of Commissioners or Board of Adjustment, as applicable, shall be the final approval authority.

(B) If the use for which a vested right is sought would not normally be a conditional or special use under the code, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the Board of Commissioners as a special use and follow all procedures in the code for obtaining a special use permit.

(C) In order for a zoning vested right to be established upon approval of a site specific development, the applicant must indicate at the time of application, on a form to be provided by the town, that a zoning vested right is being sought.

(D) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until ____." Should the town choose to extend vested rights, they shall be vested for a period of more than two years, but not more than five years.

(E) Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt a plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that the reviews and approvals are not inconsistent with the original approval.

(F) Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or this chapter.

(1993 Code, § 78-17) Penalty, see § 153.999

§ 153.018 DURATION OF RIGHTS.

(A) A zoning right that has been vested as provided in this section shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to division (B) of this section. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.

(B) Notwithstanding the provisions of division (A) of this section, the approval authority may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the approval authority at the time the site specific development plan is approved.

(C) Upon issuance of a building permit, the expiration provision of G.S. 160A-418 and the revocation provisions of G.S. 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding. (1993 Code, § 78-18) Penalty, see § 153.999

§ 153.019 TERMINATION OF RIGHTS.

A zoning right that has been vested as provided in this chapter shall terminate:

(A) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

(B) With the written consent of the affected landowner;

(C) Upon findings by the Board of Commissioners, by ordinance after notice and a public hearing, that natural or manmade 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;

(D) Upon payment to the affected landowner of compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by that action;

(E) Upon findings by the Board of Commissioners, by ordinance after notice and a hearing, that the landowner or his or her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

(F) Upon the enactment of promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which cases the approval authority may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.

(1993 Code, § 78-19)

§ 153.020 VOLUNTARY ANNEXATION.

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

(1993 Code, § 78-20)

§ 153.021 LIMITATIONS.

Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. 160A-385.1. If G.S. 160A-385.1 is repealed, this section shall be deemed repealed and the provisions hereof no longer effective.

(1993 Code, § 78-21)

§ 153.022 LEGAL STATUS PROVISIONS.

(A) *Interpretation and application; severability.*

(1) In its interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare.

(2) Wherever the requirements of lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants are at variance with the requirements of this chapter, the most restrictive, or that imposing the highest standards, shall govern.

(3) This chapter and the various parts, sections, subsections and clauses hereof are hereby declared to be severable.

(4) If any part, sentence, paragraph, subsection or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this chapter shall not be affected thereby.

(5) If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid as applied to a particular property, buildings, or structures the remainder of this chapter shall not be affected hereby.

(6) Whenever any condition or limitation is included in an order authorizing a zoning permit, special use permit, conditional use permit, variance, certificate of zoning compliance, certificate of occupancy or site plan approval, it shall be conclusively presumed that the authorizing officer or body considered the condition or limitation necessary to carry out the spirit and purpose of this chapter, of the requirements of some provisions hereof, and to protect the public health, safety and welfare, and that

the officer or Board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

(B) *Statute of limitations.* In accordance with G.S. 160A-364.1, a cause of action as to the validity of this chapter, or amendment thereto, shall accrue upon the adoption of this chapter or amendment thereto, and shall be brought within nine months as provided in G.S. 1-54.1.

(C) *Administrator.* The Zoning Administrator shall be recommended by the Town Administrator and appointed by the Board of Commissioners.
(1993 Code, § 78-22)

AMENDMENTS

§ 153.035 INITIATION OF AMENDMENTS.

This chapter, including the official zoning map, may be amended only by the Board of Commissioners, according to the procedures of this article. Proposed amendments may be initiated by the Board of Commissioners, Planning Board, or Board of Adjustment of the town. Proposed amendments to the text of this chapter may also be initiated by any resident or property owner within the jurisdiction covered by this chapter, and any property owner within the jurisdiction covered by this chapter may initiate a request for a change in the zoning classification of his or her property.
(1993 Code, § 78-51)

§ 153.036 APPLICATION.

Except for amendments initiated by the Board of Commissioners, Planning Board or Board of Adjustment, no proposed amendment shall be considered by the Board of Commissioners nor a public hearing held until an application containing the following information is submitted by the applicant: a statement of the present zoning regulations or district boundary; the name and signature of the applicant; and if an amendment to the zoning map is proposed, the tax parcel number of the lot proposed to be rezoned; the names and addresses of the owners of the lot in question; and the use of each adjacent property. The applicant shall provide any additional information related to the proposed amendment requested in writing by the Zoning Administrator, Planning Board, or Board of Commissioners. The Zoning Administrator shall transmit the original application to the Board of Commissioners and a copy to the Planning Board. The original application shall be filed in the office of the Zoning Administrator after consideration by the Board of Commissioners. A fee of \$50 shall be paid to the town for each application not initiated by an agency of the town.
(1993 Code, § 78-52) Penalty, see § 153.999

§ 153.037 PUBLIC HEARING.

(A) No amendment shall be adopted by the Board of Commissioners until it has received a written recommendation from the Planning Board and has held a public hearing on the amendment. If no written recommendation or report is provided by the Planning Board within 30 days of referral of the amendment to that board, the Board of Commissioners may proceed in its consideration of the amendment without the Planning Board recommendation or report.

(B) Notice of the hearing shall be published in a newspaper of general circulation in the Enfield area at least once a week for two successive calendar weeks prior to the hearing. The initial notice shall appear not more than 25 nor less than ten days prior to the hearing date. In computing the period, the day of the publication is not to be included, but the day of the hearing shall be included.

(C) Whenever there is a zoning classification action after October 1, 1985, involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for the owners on the county tax abstracts. The person mailing the notices shall certify to the Town Board that fact, and the certificate shall be deemed conclusive in the absence of fraud. This provision shall apply only when tax maps are available for the area to be zoned.

(1993 Code, § 78-53) (Am. Ord. 2009-09, passed 8-17-2009) Penalty, see § 153.999

§ 153.038 PROTEST PETITIONS.

In cases of a protest against any proposed amendments, signed by the owners of 20% or more either of the area of the lots included in the proposed change, or of those adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereof extending 100 feet from the street frontage of the opposite lots, the amendment shall not become effective except by favorable vote of 3/4 of all members of the Board of Commissioners.

(1993 Code, § 78-54)

ADMINISTRATIVE PROCEDURES**§ 153.050 ZONING ADMINISTRATOR.**

The Zoning Administrator who shall be appointed by the Board of Commissioners is duly charged with the enforcement of the provisions of this chapter. If the Zoning Administrator finds that any of the provisions of this chapter are being violated, he or she shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. He

or she shall also take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
(1993 Code, § 78-71)

§ 153.051 ZONING PERMIT.

(A) *Generally.* No building or structure or any part thereof shall be erected, extended, enlarged, or structurally altered or moved until a zoning permit has been issued by the Zoning Administrator or his or her authorized representative, except that signs shall require a zoning permit only if required in § 153.121. A fee shall be charged for the issuance of each zoning permit in accordance with the fee structure established with the annual budget.

(B) *Application for permit.* All applications for permits shall be in the form prescribed by the Zoning Administrator and shall include a plat or site plan drawn to scale which shall clearly show:

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

(C) *Additional information.* In addition to the information required in division (B) of this section, any use which involves the grouping of more than one principal building or use on the same lot shall include the following information:

- (1) A vicinity map showing the relationship of the proposed development to the surrounding area;
- (2) North arrow and declination;
- (3) Detailed layouts for all utilities, rights-of-way, and roads and other improvements;
- (4) Railroads, bridges, culverts, storm drains, wooded areas, marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds, and any other similar features affecting the site;
- (5) A copy of any proposed deed restrictions or similar covenants;
- (6) For projects over an acre in size, or if otherwise required by the Zoning Administrator, a topographic map showing vertical contours every two feet; and
- (7) The names, addresses, and telephone numbers of owners, mortgagees, registered surveyors, land planners, architects, landscape architects, and professional engineer responsible for the development.

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

(E) *Mobile home parks and shopping centers.* Mobile home parks and shopping centers shall comply with the requirements in § 153.057 in lieu of the requirements in this section.

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

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

(1993 Code, § 78-72) Penalty, see § 153.999

§ 153.052 CERTIFICATE OF OCCUPANCY/COMPLIANCE.

No land shall be used or occupied, and no building or structure erected or altered shall be used or changed in use until a certificate of occupancy/compliance has been issued by the Zoning Administrator stating that the building and/or the proposed use complies with the provisions of this chapter. A certificate of the same shall be required for the purpose of changing any existing use; as well as for maintaining, reviewing, changing or extending any nonconforming use. The aforementioned certificate shall be applied for coincidentally with the application for a zoning permit and shall be issued within ten working days after the erection or alteration of the building or part shall have been completed in

conformity with the provisions of this chapter. A record of all the certificates shall be kept on file and open to the public, subject to state law.

(1993 Code, § 78-73) Penalty, see § 153.999

§ 153.053 CONFORMANCE WITH PLANS.

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

(1993 Code, § 78-74) Penalty, see § 153.999

§ 153.054 RIGHT OF APPEAL.

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

(1993 Code, § 78-76)

§ 153.055 SPECIAL USES AND CONDITIONAL USES.

The provisions of this chapter permit some uses to be established by right in the appropriate district while other uses are listed which require a permit from the Board of Adjustment or Board of Commissioners. Those which require a permit from the Board of Adjustment are termed conditional uses by this chapter, while those which involve broader policy considerations and therefore require a permit from the Board of Commissioners, are termed special uses. Both types of uses, in some circumstances, may be compatible with and desirable in the districts in which they are designated as special or conditional uses, but they may also have characteristics which could have detrimental effects on adjacent properties, or even the entire Enfield area, if not properly designed and controlled. Special and conditional uses shall be in accordance with the requirements in § 153.057 as well as all other applicable requirements of this chapter.

(1993 Code, § 78-77)

§ 153.056 APPLICATION TO, HEARING BY BOARD OF ADJUSTMENT ON APPEALS, VARIANCES AND CONDITIONAL USES AND BY THE BOARD OF COMMISSIONERS ON SPECIAL USES.

(A) An applicant shall submit the appropriate documents and complete the appropriate forms to appeal an administrative decision of the Zoning Administrator, for a variance, or for a special or conditional use permit accompanied by a site plan prepared in accordance with § 153.051 along with any other information required by the Zoning Administrator for proper review of the application.

(B) The Board of Adjustment shall hear all administrative appeals, requests for variances and applications for a conditional use permit in accordance with G.S. § 160A-388 and other applicable law, as may be amended. Appeals from the Board of Adjustment shall be made to Superior Court as provided by applicable law.

(C) The Board of Commissioners shall hear all applications for a special use permit in accordance with G.S. § 160A-381 and other applicable law, as may be amended. The Planning Board shall be given 30 days to review the application for a special use permit, before the hearing. The hearing shall not be held until a Planning Board recommendation has been received or 30 days has elapsed. The Planning Board shall give due notice to the applicant of any meetings at which the application will be considered. The hearings shall be conducted in accordance with the general law and court decisions of this state. More specifically, any interested party must be given the opportunity to present evidence or testimony, to cross-examine witnesses, to inspect documents, and to offer evidence or testimony in explanation or rebuttal. Findings shall be based on substantial evidence or testimony which is competent, relevant, and material. Findings as to the existence or nonexistence of crucial facts shall be based on sworn evidence or testimony unless the parties before the Board stipulate the facts or waive this requirement.

(D) The Clerk of the Board or his or her designee shall keep minutes of quasi-judicial proceedings of the Board of Adjustment and Board of Commissioners, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact. A fee of \$50 shall be paid to the town for each application, for an administrative review, for a variance or special or conditional use permit not initiated by an officer or agency of the town, to cover the costs of advertising and other administrative expenses involved. No application will be processed until the above fee has been paid. (1993 Code, § 78-78) (Am. Ord. 14-10, passed 8-19-2014) Penalty, see § 153.999

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

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

(1) All applicable specific conditions pertaining to the proposed use have been or will be satisfied.

(2) Access roads or entrance and exit drives are or will be sufficient in size and properly located to ensure automotive and pedestrian safety and convenience, traffic flow, and control and access in case of fire or other emergency.

(3) Off-street parking, loading, refuse and other services areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor and other impacts on adjoining properties and properties in the general neighborhood.

(4) Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the proposed use.

(5) The location and arrangement of the use on the site, screening, buffering, landscaping and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts.

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

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

(C) *Specific conditions.* In addition to the general conditions in division (B) of this section, special and conditional uses shall meet specific conditions for the type of use as indicated in the following requirements.

(1) *Multi-family dwellings and complexes as a conditional use in R-10 districts.*

(a) Maximum density shall be as indicated in § 153.091.

(b) Where more than one building is to be located on the site, building separation shall be determined as follows.

1. The minimum horizontal distance between the vertical projections of any points on two adjacent buildings shall be determined according to the following table.

2. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

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

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

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

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

(f) Accessory buildings and uses for multi-family dwellings shall be placed in the 50-foot yard around the perimeter of the site.

414B

Enfield - Land Usage

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

(2) *Planned unit developments as a special use in RA, R-15, R-10 and RMH districts.* A planned unit development is a project which is at least two gross acres in size to be located on land under unified control, planned as a whole, and developed in a single development operation or in a definitely programmed series of units or stages of development according to comprehensive and detailed plans, with a program for the provision, operation, and maintenance of any areas, improvements, and facilities provided for the common use of the occupants or users of the development.

(a) *Plan approval.* A site plan showing the proposed development of the area shall be drawn to a scale of not less than one inch equals 50 feet and shall bear the seal of a registered state engineer or surveyor. The plan shall show the following features with approximate dimensions.

1. Location, arrangements and dimensions of automobile parking spaces, width of aisles, width of bays, angle of parking;
2. Location, arrangements and dimensions of truck loading and unloading spaces and docks;
3. Location and dimensions of vehicular entrances, exits and drives;
4. General drainage system;
5. Location and materials of walls and fences;
6. Ground cover, topography, slopes, banks and ditches;
7. The location and general exterior dimensions of main and accessory buildings;
8. Architectural plans for proposed buildings;
9. The location, dimensions and arrangements of areas to be devoted to planting lawns, trees and other plants;
10. The plans for proposed utility layouts, including sanitary sewers, storm sewers, water distribution lines, natural gas, telephone and electric service, all to be constructed in accordance with town standards;
11. An analysis of anticipated traffic volume;
12. Sediment control plan approved by the County Soil and Water Conservation Service;

13. Evidence that the State Department of Transportation has been made aware of the proposed development and that the developer will coordinate planning for the development with this agency;

14. Plans for refuse disposal equipment and method of refuse disposal such as compactors, dumpsters; and/or

15. Delineation of areas to be constructed in phases and sequential order. If the development is to be carried out in progressive stages, each stage shall be complete with all necessary parking areas and other supporting facilities completed to serve that portion of the development.

(b) *Permitted, special or conditional uses.* A planned unit development may contain any of the permitted, special, or conditional uses, except mobile homes, listed for the RA, R-15, R-10 or RMH districts, subject to approval of the plans by the Board of Commissioners. Board of Adjustment approval of those listed as conditional uses is not needed in a planned unit development. Dimensional and density requirements for multi-family dwellings in a planned unit development shall be as indicated for multi-family dwellings in § 153.091 and in this section. Dimensional requirements for nonresidential uses in a planned unit development shall be those listed for other principal use in § 153.091 for the district in which the planned unit development is located. Shopping centers are also permitted in a planned unit development. Uses allowed in the shopping centers are: grocery stores; drug stores; laundry and dry cleaning establishments; offices; gift shops; card shops; camera and photography shops; barber and beauty shops; and restaurants.

(c) *Additional uses.* In addition to the uses allowed in the RA, R-15, R-10 and RMH districts and shopping centers, the following uses are allowed in planned unit developments.

1. *Clustered detached single-family dwellings.* These are dwellings. These are dwellings in which the lot size for each individual dwelling may be reduced, but may not be less than 6,000 square feet provided that the difference between the required dimensions for the district, as indicated in § 153.091, and the reduced dimensions, is dedicated to a homeowners' association as common open space.

2. *Zero lot line dwellings, that is detached single-family dwellings on lots without a side yard requirement on one side of the lot.* The lot for a zero lot line dwelling may be reduced, but may not be less than 6,000 square feet provided that the difference between the required dimensions for the district as indicated in § 153.091, and the reduced dimensions, is dedicated to a homeowner's association as common space.

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

1. The association shall be established before the homes, buildings or uses are sold.

2. Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Board of Commissioners which adequately protects the interests of the town and the owners.

3. The association shall be responsible for the liability insurance, local taxes and maintenance of recreation and other facilities.

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

5. The owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association.

6. Uses of common property shall be appropriately limited.

7. The following information shall also be provided:

- a. The name of the association;
- b. The manner in which directors of the association are to be selected;
- c. The post office address of the initial registered office;
- d. The name of the city and county in which the registered office is located; and
- e. The number of directors constituting the initial Board of directors.

(3) *Public buildings, uses, utilities as a conditional use in RA, R-15, R-10 and RMH districts.* The Board shall review each application carefully and shall deny the permit if the benefits to the public will not outweigh any adverse effects the use might have.

(4) *Radio and TV stations and transmission towers as a conditional use in RA districts.* The minimum distance from the center of the transmission tower to the nearest property line shall be two times the height of the tower or the height of the tower plus 200 feet, whichever is greater. Off-street parking shall be provided at the rate of one space for each employee.

(5) *Community centers as a conditional use in R-15, R-10, R-7.5 districts, private clubs as a conditional use in RA, R-15, R-10, R-7.5 and RMH districts.*

(a) Noise from a public address system shall not be heard beyond the property.

(b) The use will not be located in an area where traffic congestion will be a problem for neighboring residential uses.

(6) *Fraternal organizations not open to the public as conditional use in RA, R-15, R-10, R-7.5, and RMH districts.*

(a) The use shall be located where there shall be no disturbance to residences and shall be adequately designed for its size and purpose.

(b) Noise from the public address system shall not be heard beyond the property where the use is located.

(c) The use shall not be located in an area where traffic congestion will be a problem for neighboring residential uses.

(7) *Temporary uses such as circuses, carnivals, fairs, as a special use in RA and RMH districts.* The site shall be located at least 200 feet from the nearest occupied residential structure and shall be adequately designed for its size and purpose. The use shall meet any applicable appropriate County Health Department requirements.

(8) *Townhouses as a special use in R-10 districts.*

(a) Minimum lot area, width, depth and lot coverage requirements shall be as indicated in § 153.091.

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

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

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

1. The association shall be established before the homes, buildings or uses are sold;
2. Membership shall be mandatory for each buyer and all successive buyers, unless another arrangement is approved by the Board of Commissioners which adequately protects the interests of the town and the owners;
3. The association shall be responsible for the liability insurance, local taxes and maintenance of recreation and other facilities;
4. Any sums levied by the association that remain unpaid shall become a lien on the individual owner's property which shall be subordinate only to tax and mortgagee liens unless another arrangement is approved by the Board which adequately protects the interest of the town and the owners;

5. An owner of each dwelling unit or each homeowner or other building owner shall have voting rights in the association;

6. Uses of common property shall be appropriately limited; and/or

7. The following information shall also be provided:

a. The name of the association;

b. The manner in which directors of the association are to be selected;

c. The post office address of the initial registered office;

d. The name of the city and county in which the registered office is located; and

e. The number of directors constituting the initial Board of Directors.

(9) *Commercial adult amusement buildings as a conditional use in CD and CH districts.* The Board will take into consideration the proposed size and number of patrons and their effect on neighboring uses. Hours of operation will be limited to 10:00 a.m. to 2:00 a.m., beginning Monday at 10:00 a.m. and ending on Sunday at 2:00 a.m. (e.g. no Sunday operation). If the establishment offers or provides any prize, money or other thing of value to any machine user as part of playing the game or using the machine, the following additional conditions apply:

(a) No person under the age of 21 years shall be allowed to enter the establishment;

(b) No alcohol shall be offered for sale, sold, consumed or possessed on the premises;

(c) There shall be no more than two such establishments located within the town's zoning jurisdiction at the same time; and

(d) Each commercial adult amusement building shall permit patron entry only by a magnetically-locked door, which shall remain locked for purposes of entry but allow free exit from the building, and which shall be unlocked only by the owner or operator of the building.

(10) *Day nurseries as a conditional use in RA, R-15, R-10, R-7.5 and RMH districts.* Before a day care center may be occupied, licensing is required by the State Day Care Licensing Board as provided in G.S. 110-85 through 110-95.

(11) *Amusement parks as a conditional use in CD and CH districts.* No activities including parking shall be located within 2,000 feet of any residentially zoned land. No lights from the park may shine where they will produce glare which will not be directly cast on a residential structure. Noise from the park shall not be a nuisance to any residentially zoned land. The Board will pay close attention to buffering.

(12) *Campground for youth or organized groups as a conditional use in RA districts.* The site shall be located where there shall be no disturbance to residences, and shall be adequately designed for its size and purpose. The use shall meet any applicable County Health Department requirements.

(13) *Manufacturing, processing, warehousing or transportation use, or public use or utility, which involves outdoor storage, service, operations, emits or will emit smoke, odor, dust, fumes, glare, noise or vibration from the building in which it is located, or involves storage of combustible materials or is among the uses listed as exceptions as a special use in HI districts.*

(a) The Board shall require sufficient landscape and/or architectural or other buffering to completely screen the use from the view of streets and neighboring property.

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

(c) No vibration or noise shall emit from any building or other use between the hours of 8:00 p.m. to 8:00 a.m. if the property located in an HI district is adjacent to any property zoned for residential or commercial use.

(d) There shall be a minimum 500 feet landscape and/or architectural buffer between property located in an HI district and any adjacent property zoned for residential or commercial use.

(14) *Mobile home parks as a special use in RMH districts.*

(a) Specific requirements are as follows.

1. All new mobile home parks and expansions to existing mobile home parks are required from the effective date of this chapter to comply with all applicable procedures and requirements herein noted. Any mobile home park failing to comply with the requirements as specified herein is declared to be a nonconforming use of land.

2. All mobile home parks developed after the effective date of this chapter shall continuously comply with the general requirements of this chapter. Failure to continuously meet each of the general requirements shall be grounds for the revocation of the certificate of occupancy.

3. Mobile home parks existing at the time of the adoption of this chapter shall be allowed to continue and are declared as a nonconforming use of land unless compliance is procured.

4. No mobile home park within the jurisdiction of the town shall be established, altered or expanded until approval has been obtained from the Board of Commissioners.

5. Prior to construction of a new mobile home park or expansion of an existing mobile home park, the developer shall submit seven copies of the proposed mobile home park plan to the Zoning Administrator. The plan must be submitted at least ten working days prior to a regularly scheduled meeting of the Board of Commissioners.

6. The Board of Commissioners shall review the proposed plan for compliance with this chapter.

7. Mobile homes shall not be sold within a mobile home park except under the following circumstances:

a. An individual mobile homeowner shall be allowed to sell the mobile home in which he or she resides; or

b. The park owner or operator shall be allowed to sell any mobile homes which he or she owns so long as the mobile homes are parked or located on individual mobile home spaces and connected to water, sewer, electric and other utilities.

8. The transfer of title of a mobile home space either by sale or any other manner shall be prohibited within a mobile home park as long as the mobile home park is in operation.

9. Mobile home park identification signs shall not exceed 32 square feet in area. Only indirect, nonflashing lighting shall be used for illumination.

10. When a mobile home park is to be constructed within 50 feet of a recorded residential subdivision not naturally screened, the owner of the park shall provide and maintain a 50-foot buffer strip along the adjacent boundary comprised of natural plantings or solid fencing at least eight feet in height.

11. Within an approved mobile home park, one mobile home may be used as an administrative office.

12. Convenience establishments of a commercial nature shall be limited to food stores, coin-operated laundries, beauty parlors and barbershops if the following restrictions are followed:

a. The establishments shall be subordinate to the residential use and character of the park;

b. The establishments shall present no visible evidence of their commercial intent beyond confines of the park; and

c. The establishments shall be designed to accommodate needs of the park populace only.

13. Land contours with vertical intervals of not more than five feet shall be required on all mobile home park plans.

14. Each mobile home space shall be clearly defined by means of concrete or iron pipe markers placed at all corners. The markers shall be depicted in the proposed mobile home park plan.

15. Each mobile home space shall not be located on ground susceptible to flooding.
16. Each mobile home space shall conform to the applicable district regulations relative to required yard setbacks and minimum lot size.
17. Each mobile home park comprising more than 25 spaces shall provide 400 square feet of recreation area per mobile home space.
18. Convenient access to each mobile home space shall be provided by streets or drives with a minimum right-of-way of 44 feet, of which 24 feet shall be graded and drained for automobile circulation thereupon. The responsibility for maintenance shall be assumed by the park owner.
19. Permanent dead-end streets or cul-de-sacs shall not exceed 500 feet in length and shall be provided with a turnaround of at least 80 feet in diameter.
20. Streets or drives in the park shall intersect as nearly as possible at right angles, and no street shall intersect at less than 60 degrees.
21. Proper sight line shall be maintained at all intersections of streets. Measured along the centerline, there shall be a clear sight triangle of 150 feet for those streets intersecting a right-of-way maintained by the State Department of Transportation. All interior drives shall maintain a sight distance triangle of 75 feet. No building or obstruction that impedes vision beyond the extent noted above, shall be permitted in this area.
22. New street names shall not duplicate or be similar to existing names in the town and shall be subject to the approval of the Board of Commissioners upon recommendation from the Planning Board.
23. Two automobile parking spaces shall be provided adjacent to each mobile home space but shall not be located within any public right-of-way or within any street in the park.
24. All mobile home parks not connected to the town's water system and comprising at least two spaces but not more than 14 spaces shall be required to submit water supply system plans to the Division of Environment, Halifax County Department for approval.
25. All mobile home parks not connected to the town's water and comprising 15 or more spaces shall be required to submit water supply system plans to the Sanitary Engineering Division of the State Department of Human Resources for approval.
26. Adequate and safe sewage disposal facilities shall be provided for all mobile home parks. Connection to the town's sewage collection system is encouraged. Mobile home parks may provide their own collection and treatment system if approved by the State Environmental Management Commission.

27. Individual septic systems may be considered when approved by the County Health Department.

28. Each mobile home space shall be provided with at least a three-inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the mobile home drain outlet will approximate a vertical position.

29. A concrete apron, two feet by two feet in size, shall be installed around all sewer connection riser pipes for support and protection. The sewer connection shall be located at a distance of at least 100 feet from the water supply.

30. The sewer connection shall have a nominal inside diameter of at least three inches, and the slope of any position thereof shall be at least one-fourth inch per foot. The sewer connection shall consist of one pipe line only without any branch fittings. All joints shall be watertight inclusive of the connection from the trailer to the sewer riser pipe.

31. All material used for sewer connections shall be semi-rigid, corrosion-resistant, nonabsorbent, and durable. The inner surface shall be smooth.

32. Provision shall be made for plugging a sewer pipe when a mobile home does not occupy the space. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

33. The storage, collection and disposal of solid waste in a mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or pollution.

34. All solid waste containing garbage shall be stored in standard flytight, watertight, rodentproof containers with a capacity of not more than 32 gallons, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The mobile home park management shall be responsible for the proper storage, collection and disposal of solid waste.

35. Stands shall be provided for all containers. The containers stand shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate onsite maintenance.

36. All solid waste containing garbage shall be collected at least once a week. Where suitable collection service is not available from municipal or private agencies, the mobile home park owner shall provide the service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.

37. Where municipal or private service is not available, the mobile home park operator shall dispose of the solid waste by transporting it to a disposal site approved by the County Health Department.

38. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the County Health Department.

39. Parks shall be maintained free of accumulation of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other similar pest.

40. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above ground.

41. As the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable material.

42. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

43. All streets in the mobile home park shall be adequately illuminated from sunset to sunrise. The minimum size streetlight shall be a 175-watt mercury vapor (approximately 7,000 lumen class), or its equivalent, spaces at intervals of not more than 300 feet, the location of which shall be depicted upon the mobile home park plat.

44. Compliance with the Sedimentation Pollution Control Act of 1973 shall be procured if one acre of land or more is disturbed.

45. a. Preliminary plan drawn to a scale of not less than one inch equals 100 feet shall be submitted to the Zoning Administrator to determine if the proposal meets the requirements and intent of this chapter. The preliminary plan should include, but not be limited to the following:

i. The name of the park, the names and addresses of the owners and the designer or surveyor;

ii. Date, scale and approximate north arrow;

iii. Site plan showing streets, driveways, recreation areas, parking spaces, service buildings, watercourses, easements, mobile home spaces, buffer areas, landscaping and all structures to be located on the park site;

iv. Vicinity map showing the location of the park and the surrounding land uses;

v. Names of adjoining property owners; and

vi. The proposed utility system for water, sewer, gas, surface water drainage, street lights and electrical power.

b. After careful review and consideration of the preliminary plan, the Board of Commissioners shall have 45 days within which to approve or disapprove the park plan. If the plan is approved, the Zoning Administrator shall issue the owner or developer a special use permit. This permit is authority to construct the mobile home park. If the plan is disapproved, the conditions upon which it would be approved shall be stated. Once the conditions are agreed to by the owner or developer, the Zoning Administrator shall issue a special use permit, allowing the park to be constructed.

46. a. When the developer has completed the construction of the mobile home park, he or she shall apply to the Zoning Administrator for a certificate of occupancy. The Zoning Administrator shall make an onsite inspection of the park.

i. If the plan conforms to the park plan approved by the Board of Commissioners, the Zoning Administrator shall issue the certificate of occupancy.

ii. If the plan does not conform with approved plan, the Zoning Administrator shall delay issuance of the certificate of occupancy until it comes into conformity.

b. The certificate of occupancy issued to the developer shall constitute authority to lease or rent spaces in the mobile home park.

(b) All mobile homes, whether located in mobile home parks or on individual lots established after the effective date of this chapter must meet the requirements of the local building code prior to being approved for a certificate of occupancy. This requirement shall not apply to any mobile home which was manufactured after July 1, 1970, and bears the label or seal of compliance of a recognized testing laboratory having followup services, approved by the North Carolina State Building Code Council as authorized in G.S. Chapter 143.

(15) *Community shelter as a conditional use in districts R-A, R-15, R-10, R-7.5 and RMH.*

(a) A minimum floor space of 50 square feet shall be provided for each individual sheltered per bedroom.

(b) No facility shall be located within 1/4 mile of an existing community shelter.

(c) The facility operator shall provide continuous on-site supervision by an employee or volunteer during the hours of operation.

(d) The facility shall provide shelter for no more than two temporary adult residents at one time per bedroom.

(16) *Community shelter as a conditional use in districts CD and CH.*

(a) A minimum floor space of 50 square feet shall be provided for each individual sheltered per bedroom.

(b) The facility operator shall provide continuous on-site supervision by an employee or volunteer during the hours of operation.

(c) The facility shall provide shelter for no more than two temporary adult residents at one time per bedroom for homeless men and/or women.

(17) *Offices-business, professional and public as a conditional use in district RO.*

(a) Only offices that have small volumes of traffic are permitted in this district (generally no more than a few customers per day).

(b) The office shall have only one unlit, flat sign affixed to the property not greater than two feet by three feet. Aside from this sign, the exterior of the building shall in all other respects retain its residential character.

(c) Commercial vehicles such as delivery trucks, tractor trailers and similar vehicles are prohibited and may not be parked on the property or on the off-street parking area.

(d) All other vehicles may only be parked on the off-street parking area and are subject to the conditions contained in § 153.105 entitled "Other office."

(e) Offices in this district shall not be subleased or assigned.

(f) No office shall be open for business before 7:00 a.m. or after 9:00 p.m.

(g) The property shall be attractively landscaped and maintained in a manner consistent with the adjoining property and surrounding area.

(h) The Board may consider any other reasonable factor designed to ensure the office does not jeopardize the residential character of the district.

(18) *Mobile homes on individual lots.*

(a) The mobile home must be placed on a permanent, brick foundation.

(b) Running lights, wheels and axles must be removed. All regulations from the North Carolina Department of Motor Vehicles must be followed to convert the home to real estate.

(c) A covered porch of no less than 192 square feet (a minimum of 8 feet deep x 24 feet wide) constructed of brick to match the foundation must be affixed to the front of the home.

(d) The pitch of the roof shall be no less than five feet rise for every 12 feet of run.

(e) The front door of the mobile home must face the front of the lot. This requirement does not preclude placing a mobile home specifically designed with the front door on the end of the home on the lot, provided that the front door faces the front of the lot and the home includes the required front porch.

(f) The exterior materials, including but not limited to the siding and roofing materials used on the home, shall be compatible in composition, appearance and durability to the exterior materials commonly used in standard residential construction.

(g) The unit must have been manufactured within five years of its placement on the lot.

(h) Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding, and roofing exceed that of gloss white paint.

(i) Permanent or precast steps shall be constructed or placed at all exterior doors as necessary.

(j) At least two off-street parking spaces shall be provided.

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

(l) All county and town standards and conditions for approval must be met before a certificate of occupancy is issued.

(m) Mobile homes shall not be allowed in the following portions of R-7.5 districts.

1. In the R-7.5 district which lies west of Highway 301 and north of Whitfield Street, mobile homes shall not be allowed in the block which is enclosed by McFarland Road, West Franklin Street, and Park Drive.

2. In the R-7.5 district which lies west of Highway 301 and south of Whitfield Street, mobile homes shall not be allowed in that area which is:

a. Bounded on the east by Nash Street;

b. Bounded on the south by Cook Street and by a line extending straight from Cook Street in a westerly direction toward the point where Cook Street and Holiday Drive would intersect if both were extended;

c. Bounded on the west by the boundary of the R-10 district of which Holiday Drive is a part; and

d. Bounded on the north by the boundary of the CH district which runs along Highway 481/Glenview Road.

(n) Mobile homes shall not be allowed in any R-10 district situated on the west side on Highway 301.

(19) *Modular homes.*

(a) The modular home must be placed on a permanent, brick foundation.

(b) A covered porch of no less than 192 square feet (a minimum of 8 feet deep x 24 feet wide) constructed of brick to match the foundation must be affixed to the front of the home.

(c) The pitch of the roof shall be no less than five feet rise for every 12 feet of run.

(d) The front door of the modular home must face the front of the lot. This requirement does not preclude placing a modular home specifically designed with the front door on the end of the home on the lot, provided that the front door faces the front of the lot and the home includes the required front porch.

(e) The exterior materials, including but not limited to the siding and roofing materials used on the home, shall be compatible in composition, appearance and durability to the exterior materials commonly used in standard residential construction.

(f) No unit may be placed on a lot that was manufactured more than five years before its placement.

(g) Exterior finishes shall be in good repair and in no case shall the degree of reflectivity of the exterior siding and roofing exceed that of gloss white paint.

(h) Permanent or precast steps shall be constructed or placed at all exterior doors as necessary.

(i) At least two off-street parking spaces shall be provided.

(j) All areas not used for parking, the modular home or required porches shall be grassed or otherwise suitably landscaped to prevent erosion.

(k) All county and town standards and conditions for approval must be met before a certificate of occupancy is issued.

(20) *Adult establishments.*

(a) No property associated with the use shall be within 1,500 feet of any area zoned or used for residential purposes (including retirement/nursing homes).

(b) No property associated with the use shall be within 1,500 feet of any existing child care center, park, playground, public or private school, library, and/or church.

(c) The minimum straight line distance between the property lines of any two adult establishments shall be no less than 1,500 feet. No two establishments shall be located within the same building.

(d) Outside advertising of an adult establishment shall be limited to one sign, which shall not exceed 32 square feet in surface area, and shall contain only the name of the establishment. It shall not contain any advertising, or identification of any product, service, or other reference to an adult establishment.

(e) In order to reduce exposure to minors and protect surrounding businesses, all exterior windows shall be opaque.

(f) The adult establishment must not unreasonably increase pedestrian traffic, noise or disruptive conduct.

(g) The adult establishment must be operated in compliance with ordinance design and use regulations.

(21) *Solar farm as a conditional use in districts RA, CH and LI.*

(a) Solar farms are allowed in districts RA, CH, and LI only in those portions which are located outside the town limits (i.e. ETJ only).

(b) The cumulative area used for solar farms in all districts combined shall not exceed 15 acres.

(c) Solar farms shall be enclosed by perimeter fencing to restrict unauthorized access at a minimum height of 7.5 feet.

(d) The manufacturers' or installers' identification and appropriate warning sign shall be posted on or near the panels in a clearly visible manner.

(e) On-site power lines shall, to the maximum extent practicable, be placed underground.

(f) Solar farms shall adhere to the setback, height, and coverage requirements of the district in which they are located.

(g) The design of solar farms shall use materials, colors, textures, screening and landscaping, that will blend the facility into the natural setting and existing environment.

(h) If the solar farm consists of batteries or storage of batteries, adequate design must be provided to ensure all local, state, and federal requirements regulating outdoor battery storage have been met.

(i) The following additional information must be included in all permit applications:

1. A descriptive plot plan including setbacks, panel sizes, locations of property lines, buildings, and road right-of-ways.

2. The applicant must provide a copy of the application for the conditional use permit to any utility company that provides electricity in any part of the town or within its extraterritorial jurisdiction.

3. An affidavit or evidence of agreement between a lot owner and the facility's owner or operator confirming that the owner or operator has permission of the property owner to apply for the necessary permits for construction and operation of the solar farm.

4. Any other relevant studies, reports, certificates and approvals as may be reasonably required by the town, including but not limited to design review.

5. Screening of the solar farm from the public right-of-way shall consist of evergreen trees and/or shrubs with a minimum height of six feet.

6. All conditional use permits granted under this division are conditioned upon continued compliance with all local, state and federal building codes and other requirements governing the construction, use and operation of solar farms and related equipment.

(j) The following shall be met for decommissioning:

1. Solar farms which have not been in active and continuous service for a period of one year shall be removed at the owner's or operator's expense.

2. The site shall be restored to its natural condition within six months of its removal.

(22) Retail or wholesale businesses, service establishments, public uses or utilities other than those specifically listed which emit smoke, odor, dust, fumes or noise from the building in which they are located or involve possible fire hazards in districts CH and LI.

(a) No vibration or noise shall emit from any building or other use between the hours of 8:00 p.m. to 8:00 a.m. if the property located in a CH or LI district is adjacent to an property zoned for residential use.

(b) There shall be a minimum 100 feet landscape and/or architectural buffer between property located in a CH or LI district and any adjacent property zoned for residential use. (1993 Code, § 78-79) (Am. Ord. 2003-4, passed 8-11-2003; Am. Ord. passed 7-12-2004; Am. Ord. passed 8-8-2005; Am. Ord. 07-01, passed 4-16-2007; Am. Ord. 2008-2, passed 7-21-2008; Am. Ord. 09-04, passed 6-15-2009; Am. Ord. 2009-05, passed 8-17-2009; Am. Ord. 2009-07, passed 8-17-2009; Am. Ord. 2010-03, passed 7-19-2010; Am. Ord. 2012-01, passed 4-16-2012; Am. Ord. 2012-03, passed 9-17-2012; Am. Ord. 2013-08, passed 9-16-2013) Penalty, see § 153.999

BOARD OF ADJUSTMENT

§ 153.070 CREATION; MEMBERSHIP.

(A) The Board of Commissioners shall create a Board of Adjustment consisting of five members. Three members shall reside within the town and shall be appointed by the Board of Town Commissioners. Two members, who reside in the extraterritorial area, shall be appointed by the County Board of Commissioners. The initial appointment to the Board of Adjustment shall be as follows:

(1) One resident of Enfield and one resident of the extraterritorial area shall be appointed for three-year terms.

(2) Two residents of Enfield and one resident of the extraterritorial area shall be appointed for two-year terms. Thereafter, all new terms shall be for three years, and members may be reappointed.

(B) The Board of Town Commissioners shall also select two alternate members to serve in the absence of regular members. One alternate member who resides in Enfield shall be appointed by the Board of Town Commissioners and one who resides within the extraterritorial area shall be appointed by the County Board of Commissioners. Both the initial appointment and new terms shall be for three years, and alternate members may be reappointed. Each alternate member, while attending any regular or special meeting of the Board of Adjustment and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member. (1993 Code, § 78-96)

§ 153.071 ORGANIZATION; RULES OF PROCEDURE.

(A) The Board of Adjustment shall elect a Chairperson and Vice-Chairperson from its regular members, who shall serve for one year or until reelected or until their successors are elected. The Board shall adopt rules and bylaws in accordance with the provisions of this code and G.S. 160A-360 *et seq.* Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at other times as the Board of Adjustment may determine. The Chairperson, or in his or her absence, the Vice-Chairperson, may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the Board of Adjustment shall be open to the public.

(B) Hearings by the Board in connection with Board of Adjustment duties shall be conducted in accordance with § 153.056.

(1993 Code, § 78-97) (Am. Ord. 14-10, passed 8-19-2014)

§ 153.072 DECISION; APPEAL.

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

(1993 Code, § 78-98) (Am. Ord. 14-10, passed 8-19-2014)

§ 153.073 POWERS AND DUTIES.

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

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

(B) *Variances.* To authorize upon appeal in specific cases, the variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in practical difficulty, or

unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, building, or structure in the same district, or of permitted or nonconforming uses in other districts, shall not constitute a reason for the requested variance. The variance may be granted in individual cases of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist.

(1) There are exceptional conditions pertaining to the particular piece of property in question because of its shape, size or topography, that are not applicable to other lands or structures in the same district, or there is a peculiar characteristic of an establishment which makes the parking and/or loading requirements of this chapter unrealistic.

(2) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.

(3) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

(4) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare.

(5) The special circumstances are not the result of the actions of the applicant.

(6) The variance is not a request to permit a use which is not a permitted or conditional use in the district involved.

(C) *Conditions imposed on variances.* In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards to ensure that substantial justice has been done and that the public safety and welfare has been assured. These conditions may be imposed by the Board of Adjustment regarding the location, character, and other features of the proposed building, structure, or use as may be deemed by the Board of Adjustment to protect property values and general welfare of the neighborhood. Nonconformance with the conditions and safeguards, when part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(D) *Conditional uses.* To hear and decide whether to allow specific conditional uses to be established in the districts indicated; to decide the questions as are involved in determining whether a conditional use should be granted; to grant conditional uses with the conditions and safeguards as are appropriate under this chapter, or to deny conditional uses when not in harmony with the purpose and intent of this chapter. Application for conditional uses shall be decided in accordance with the provisions in §§ 153.055, 153.056 and 153.057.

(1993 Code, § 78-99)

DISTRICT REGULATIONS**§ 153.085 ESTABLISHMENT AND PURPOSE OF DISTRICTS.**

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

(A) *RA - Residential-agricultural district.* The purpose of this district is to provide areas for low-density residential development and agriculture in areas outside the corporate limits of the town.

(B) *R-15 - Residential district.* The purpose of this district is to provide for existing residential subdivisions and the establishment of new subdivisions.

(C) *R-10 - Single-family and multi-family residential district.* The purpose of this district is to provide for a compatible mixture of single-family dwellings and multi-family buildings and complexes.

(D) *R-7.5 - Residential district.* The purpose of this district is to accommodate older neighborhoods where single-family lots were developed at high densities. It is the intent of the town not to expand or allow other development at these densities.

(E) *RMH - Mobile home residential district.* The purpose of this district is to provide areas for the location of mobile homes.

(F) *Residential/office district.* The purpose of this district is to provide a district that allows moderate commercial office use in a residential area.

(G) *CH - Highway commercial district.* The purpose of this district shall be to provide for and encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public, the reduction of highway congestion and hazard and the minimization of blight.

(H) *CD - Downtown commercial district.* The purpose of this district shall be to provide for, enhance and protect shopping facilities in the central business district.

(I) *LI - Light industrial district.* The purpose of this district is to provide locations for manufacturing, wholesaling and warehousing uses which can be conducted without producing harmful effects on the citizens of the Enfield area.

(J) *HI - Heavy industrial district.* The purpose of this district is to provide locations for manufacturing, wholesaling and warehousing uses which are more intense than the LI - Light industrial district.

(1993 Code, § 78-116) (Am. Ord. 2003-4, passed 8-11-2003; Am. Ord. 2013-08, passed 9-16-2013)

§ 153.086 ZONING MAP.

(A) The boundaries of the districts are hereby established as shown upon the map accompanying this chapter and made a part hereof, entitled "Official Zoning Map, Enfield, North Carolina" and recorded in plat cabinet 4, slide 390. The zoning map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this chapter and the same as if the information set forth on the map were all fully described and set out in this chapter. The zoning map properly attested is on file in the office of the Zoning Administrator and is available for inspection by the public.

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

(1993 Code, § 78-117) (Am. Res. 2004-19, passed 11-8-2004)

§ 153.087 INTERPRETATION OF BOUNDARIES.

The boundaries of the districts as are shown upon the map adopted by this chapter are hereby adopted, and the provisions of this chapter governing the use of land and buildings, the height of buildings, the sizes of yards about buildings, and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon the map. If uncertainty exists as to the boundaries of the use districts shown on the official zoning map which is not resolved by the ordinances establishing and amending the boundaries, the following rules shall apply:

(A) Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow the centerline.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines.

(C) Boundaries indicated as approximately following governmental incorporation or extraterritorial jurisdiction boundaries shall be construed as following the jurisdictional boundaries.

(D) Boundaries indicated as approximately following the center of railroad lines shall be construed to be midway between the main tracks.

(E) Boundaries indicated as approximately following the centerline of streams, rivers, lakes or other bodies of water shall be construed as following the centerline.

(F) Boundaries indicated as following shorelines shall be construed to follow the shorelines, and if the shoreline is changed either naturally or as permitted by law, the boundary shall be construed as moving with the actual shoreline.

(G) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices.

(H) Boundaries indicated as parallel to or extensions of natural or manmade features indicated in divisions (A) through (G) of this section shall be so construed.

(I) Distances not specifically indicated shall be determined by the scale of the official zoning map. Where uncertainties continue to exist after application of the above rules, appeal may be taken to the Board of Adjustment as provided in §§ 153.050 *et seq.* of this chapter.
(1993 Code, § 78-118)

§ 153.088 AMENDMENTS TO OFFICIAL ZONING MAP.

Amendments to the official zoning map shall be adopted by ordinance as provided in §§ 153.035 *et seq.* of this chapter. Promptly after the adoption of an amendment, the Zoning Administrator shall alter or cause to be altered, the official zoning map to indicate the amendment. The Town Clerk shall enter in writing upon the face of the map a certification indicating the alteration and citing the date of adoption and effective date of the amendment, as well as the book and page of record of the ordinance amending the map.

(1993 Code, § 78-119)

§ 153.089 TRUE COPY OF MAP TO BE MAINTAINED.

(A) The Chairperson of the Planning Board shall also maintain a true copy of the official zoning map which shall include thereon all matters shown on the official zoning map.

(B) The true copy shall have no legal effect except as provided in § 153.090.
(1993 Code, § 78-120)

§ 153.090 REPLACEMENT AND PRESERVATION OF OFFICIAL ZONING MAP AND TRUE COPY.

(A) If the official zoning map is damaged, lost, or destroyed in whole or in part, the governing body may, by resolution, adopt the true copy in whole or in part as the official zoning map, and the Zoning Administrator and Town Clerk shall promptly prepare or cause to be prepared a new true copy of the official zoning map. From time to time, the Board of Commissioners may by resolution adopt a new

official zoning map if the prior map becomes difficult to interpret due to the number of amendments or other matters shown thereon, or if the Board of Commissioners desires to replace the map for other reasons, provided that the new map is an exact copy of the prior map.

(B) The Zoning Administrator shall preserve any and all remaining parts of all prior official zoning maps and true copies thereof together with all available records pertaining to their adoption, amendment, or repeal.

(1993 Code, § 78-121)

§ 153.091 REGULATIONS FOR DISTRICTS.

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

(B) *Residential districts.*

Use	Districts					
	RA	R-15	R-10	R-7.5	RMH	RO
Single-family dwelling on individual lot	x	x	x	x	x	x
Two-family dwelling	x	x	x		x	x
Three or four family dwelling in one building			x			x
Multi-family dwellings and complexes			c			c
Mobile homes on individual lots (double-wides or greater)	c		c - portions	c - portions	x	
Mobile home parks					s	
Modular homes - not subject to a conditional use permit	c	c	c	c *		c
Day nurseries	c	c	c	c	c	c
Kindergartens	x	x	x	x	x	x
Public education institutions and private schools having a curriculum the same as ordinary given in public schools	x	x	x	x	x	x
Public buildings; uses and utilities	c	c	c	c	c	c

Enfield - Land Usage

Use	Districts					
	RA	R-15	R-10	R-7.5	RMH	RO
Hospitals, clinics (except animal hospitals), nursing homes, rest homes	c	c	c	c	c	c
Family care homes as defined in G.S. § 168-21 for handicapped persons as defined in G.S. § 168 Article 3, provided that no home may be located within a 1/2 mile radius of an existing family care home	x	x	x	x	x	x
Any agricultural or horticultural use except commercial nurseries, commercial chicken house, yard or hatchery, dairy, livestock pen or yard, horse or mule stable, pigpen or hog pen, or any other use of land for keeping and raising animals or fowls for commercial purposes. Non-commercial buildings or structures used for keeping of livestock, fowls or other non-commercial use permitted shall be located in the rear yard.	x					
Churches, temples, synagogues	x	x	x	x	x	x
Libraries	x	x	x	x	x	x
Museums	x	x	x	x	x	x
Cemeteries	x	x	x	x	x	x
Radio and tv stations and transmission towers	c					
Parks	x	x	x	x	x	x
Golf courses, excluding carpet or miniature	x					
Playgrounds	x	c	c	c	x	c
Community centers	x	c	c	c	c	c
Community shelter	c	c	c	c	c	
Business offices						c
Private clubs	c	c	c	c	c	c
Fraternal organizations not opened to the public	c	c	c	c	c	c
Farming, including sale of products on property where produced	x					

<i>Use</i>	<i>Districts</i>					
	<i>RA</i>	<i>R-15</i>	<i>R-10</i>	<i>R-7.5</i>	<i>RMH</i>	<i>RO</i>
Commercial plant nurseries and greenhouses	x					
Riding stables, except within town limits	x					
Planned unit development	s	s	s		s	s
Temporary uses such as circuses, carnivals, fairs	s				s	
Campground, commercial	c					
Campground for youth and organized groups	c					
Neighborhood businesses limited to the following types: grocery stores, gift shops, barber and beauty shops, restaurants	s					
Solar farm	c portions (ETJ only)					
* Subject to the provisions of § 153.057 (C)(18)(n) concerning the location of mobile homes in the R-7.5 district						

(C) *Dimensional requirements.* Where there is no public water and/or sewer, lots must meet the requirements of the County Health Department as well as the requirements of this section.

<i>Use</i>	<i>Minimum Lot Area (square feet (ft²))</i>					
	<i>RA</i>	<i>R-15</i>	<i>R-10</i>	<i>R-7.5</i>	<i>RMH</i>	<i>RO</i>
Single-family dwelling	20,000	15,000	10,000	7,500	10,000	10,000
Two-family dwelling or two town house units	40,000	25,000	15,000	10,000	12,000	15,000
Multi-family dwelling			20,000 for 3 units plus 5,000 for each additional unit			20,000 for 3 units plus 5,000 for each additional unit
Other proposed building or use	20,000	20,000	15,000	10,000	15,000	15,000

Enfield - Land Usage

Use	Minimum Lot Area (square feet (ft ²))					
	RA	R-15	R-10	R-7.5	RMH	RO
Minimum Lot Width (feet)						
Single-family dwelling	100	75	80	50	80	80
Zoning 119	100	100	100	---	100	100
Two-family dwelling						
Multi-family dwelling	100	100	100	---	100	100
Town house	100	100	100	---	100	100
Other principal building or use	100	100	100	75	75	100
Minimum depth (feet)	150	150	100	100	100	100
Minimum Required Yards (Setback) (feet)						
Front	30	30	30	30	30	30
Side (each side)	15	10	10	10	10	10
Rear	25	25	25	25	25	25
Maximum height (feet)	35	35	35	35	35	35
Maximum lot coverage (percent)	40	40	40	40	50	40

(1993 Code, § 78-122) (Am. Ord. 2003-4, passed 8-11-2003; Am. Ord. 7-12-2004; Am. Ord. passed 8-8-2005; Am. Ord. 07-01, passed 4-16-2007; Am. Ord. 2009-07, passed 8-17-2009; Am. Ord. 2010-03, passed 7-19-2010) Penalty, see § 153.999

§ 153.092 REGULATIONS FOR COMMERCIAL AND LIGHT INDUSTRIAL DISTRICTS.

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

(B) *Commercial and industrial districts.*

<i>Use</i>	<i>Districts</i>			
	<i>CD</i>	<i>CH</i>	<i>LI</i>	<i>HI</i>
Any retail or wholesale business, service establishment, public use, or utility which does not emit smoke (other than restaurants), odor, dust, fumes, glare, noise or vibration from the building in which it is located and does not involve bulk storage of volatile materials or other fire hazards, except commercial amusements.	X	X	X	
Offices-business, professional and public	X	X		
Financial institutions	X	X		
Assembly halls, including churches	X	X	X	
Restaurants	X	X	X	
Shopping centers	X	X	X	
Hotels and motels	X	X		
Automobile service stations and repair shops	X	X		
Car washes	X	X		
Amusement parks	C	C		
Commercial adult game machines within an establishment devoted to another purpose shall be an accessory use and allowed as of right provided that (a) there shall be no more than two machines; and (b) there shall be no prize, money or other thing of value provided to any machine user as part of the game or machine. More than two commercial adult game machines, or any prize, money or other thing of value provided to any commercial adult game machine user as part of the playing the game or using the machine, shall be considered a commercial adult amusement building requiring a conditional use permit	X	X		
Commercial child game machines, regardless of whether they are a primary or accessory use for the building within which they are located. Cash may not be awarded but lawful prizes and other things of value may be awarded.	X	X	X	
Commercial adult amusement building	C	C		

Enfield - Land Usage

<i>Use</i>	<i>Districts</i>			
	<i>CD</i>	<i>CH</i>	<i>LI</i>	<i>HI</i>
Any retail or wholesale businesses, service establishments, public uses or utility other than those specifically listed which emit smoke, odor, dust, fumes or noise from the building in which they are located or involve possible fire hazards.		c	c	
Any manufacturing, processing, or warehousing use or public use or utility which is enclosed in a building and does not emit smoke, odor, dust, fumes, glare, noise or vibration from the building in which it is located, except acid manufacture, cement, lime, gypsum or plaster of paris, manufacture, distillation of bones, explosive, manufacture or storage, fat rendering, fish and/or fertilizer, plant, garbage, waste parts or dead animal reduction or dumping, gas manufacture, glue manufacture, stockyards or slaughter of animals, tannery or pulp manufacture.			x	
Any manufacturing, processing, warehousing or transportation use or public use or utility which involves outdoor storage, service, operations, emits or will emit smoke, odor, dust, fumes, glare, noise or vibration from the building in which it is located, or involves storage of combustible materials or is among the uses listed as exceptions in the list immediately above.				s
Cafeterias and snack bars for plant employees and offices of plants shall be considered an accessory use.			x	x
Community shelter	c	c		
Billiard table - No person shall maintain or operate any pool room, pool hall, billiard parlor, or billiard table in a commercial zoning district.				
Adult establishment	s	s		
Solar farm		c	c	

(C) *Dimensional requirements.*

<i>Use</i>	<i>Districts</i>			
	<i>CD</i>	<i>CH</i>	<i>LI</i>	<i>HI</i>
Minimum lot area (square feet)	none	15,000 per site; more than one use can be grouped on a site or in a building	15,000	20,000

<i>Use</i>	<i>Districts</i>			
	<i>CD</i>	<i>CH</i>	<i>LI</i>	<i>HI</i>
Minimum lot width (feet)	none	100	100	100
Minimum lot depth (feet)	none	150	150	200
Minimum yards/setback (feet)				
Front	none	30	50	50
Side (each side)	none	10	20	20
Rear	none	40	40	40
Maximum lot coverage after required setbacks, landscape buffering, etc. (percent)	none	none	none	none
Maximum permitted height (feet)	50	50	50	50

(1993 Code, § 78-123) (Am. Ord. passed 8-8-2005; Am. Ord. passed 6-19-2006; Am. Ord. 09-04, passed 6-15-2009; Am. Ord. 2009-05, passed 8-17-2009; Am. Ord. 2010-03, passed 7-19-2010; Am. Ord. 2012-01, passed 4-16-2012; Am. Ord. 2013-08, passed 9-16-2013; Am. Ord. 14-12, passed 10-20-2014) Penalty, see § 153.999

§ 153.093 LANDSCAPE REQUIREMENTS.

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CALIPER INCHES. The quantity in inches of the diameter of trees measured at six inches above the ground for trees four inches or less in trunk diameter and 12 inches above the ground for trees over four inches in trunk diameter.

CANOPY TREE. A species of tree which normally grows to a mature height of 40 feet or more with a minimum mature crown width of 30 feet.

DRIPLINE. A vertical line extending from the outermost portion of a tree's canopy to the ground.

UNDERSTORY TREE. A species of tree which normally grows to a mature height of 15 to 35 feet.

(B) *Intent.* The purpose of this section is to enhance the town's visual and environmental character by:

- (1) Encouraging the preservation of existing trees and vegetation;
- (2) Separating adjacent land uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights;
- (3) Conserving energy and aiding stormwater runoff;
- (4) Enhancing property values and establishing a sense of privacy; and
- (5) Encourage Enfield as a bird sanctuary providing necessary habitat for bird life.

(C) *Procedure and applicability.*

(1) After the adoption date of the ordinance from which this section is derived, these requirements shall apply to:

(a) New principal nonresidential buildings of any size, or expansions and reconstructions which will result in a parking or building increase of more than 1,000 square feet; and

(b) New single-family and multifamily residential development.

(2) Prior to the development of any improvement subject to this section, a landscaping plan shall be submitted to the Zoning Administrator showing:

(a) The location, dimension and square footage of required buffer strips, streetyards and parking lot landscaping areas, including the individual species and number of trees and shrubs required and the quantity of each.

(b) Details of required landscaping and landscape elements showing species, fencing materials, dimensions and spacing of constructed and planted materials. The plan shall also show any existing vegetation to remain undisturbed.

(c) A timeline for installation of required landscaping.

(3) Installation of required plant materials shall be as follows:

(a) A final certificate of occupancy or other town approval for any improvement subject to this section shall not be issued until all required landscaping is in place.

(b) Single-family subdivisions greater than five lots shall not receive final plat approval until street planting yards are installed.

(c) Where weather conditions or construction activity would endanger the health and survivability of required plantings the installation may be delayed by the Zoning Administrator. The developer shall submit a copy of a signed contract for installation of the required planting areas and may be required to post a surety equal to the amount of the contract. The surety shall not be issued for more than 180 days. For commercial and multifamily projects, a temporary certificate of occupancy may be issued. For major single-family detached subdivisions, the final plat may be recorded.

(4) Alternate methods of compliance shall be as follows:

(a) Alternate landscape plans, plant materials or methods may be used in situations where strict adherence to the provisions of this chapter would result in impractical or unreasonable situations. Such situations may result from severe topography, natural rock formations, utility easements, lot sizes or configurations or other physical conditions. Alternate compliance shall be acceptable in all commercial zoning districts where the above such situations may result making compliance with buffer, streetscape and landscape requirements impossible. This in no way can infer that the landscaping plan can be avoided.

(b) Alternate landscape plans shall be reviewed based on their effectiveness and performance in meeting the spirit and intent of this section.

(c) The Zoning Administrator shall review the alternate plan taking into account adjacent land uses, amount of plantings, species arrangement and coverage.

(d) Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

(D) *Landscaping required.* The following areas are required to be landscaped:

(1) *Street planting yards.* A planting area parallel to the street designed to provide continuity of vegetation along the right-of-way and a pleasing view from the street. Provided, that no planting shall occur between any sidewalk and street as provided in § 95.11.

(2) *Parking lot plantings.* Planting areas within and adjacent to parking areas designed to provide shade and improve the attractiveness of a large area of pavement.

(3) *Buffer yards.* Planting areas located parallel to the side, and rear lot lines designed to separate adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining use. The size of a buffer shall be determined both by the proposed use and by the type of adjacent use. Buffers shall not be located on any portion of an existing or proposed street right-of-way. Buffers shall be permitted to intersect utility easements or run parallel with them; however they shall not be permitted to run linear with and superimposed on them.

(E) *Planting area requirements.*

(1) *Street yard.*

Enfield - Land Usage

(a) In a street planting yard, a minimum ten-foot in width shall be provided parallel to all public rights-of-way, provided that no planting occurs between a sidewalk and a street.

(b) Street planting yards shall be planted at the following rates:

1. For commercial and industrial uses, one canopy tree per 50 linear feet of frontage and eight shrubs per 50 linear feet of frontage.

2. For residential uses, one canopy tree per 50 linear feet of frontage.

(2) *Buffers.*

(a) *Buffer descriptions.*

1. *Type A.* A type A buffer is intended to provide a very dense sight barrier to significantly separate uses and land use districts. It is intended to reduce intrusive lighting and noise from adjacent properties.

2. *Type B.* The type B buffer is a medium density screen which is intended to create a visual separation between uses and land use districts.

3. *Type C.* A type C buffer means a planting strip intended to separate uses, provide vegetation in densely developed areas and enhance the appearance of individual properties.

(b) *Buffer yard determination.* To determine the required landscape buffer, first use Table 1. Find proposed use in the proposed use column. The size of each required buffer is determined by the buffer types along the adjoining use columns. Where a proposed use abuts multiple use types along the same side or rear yard, the largest buffer will apply. Next, determine the planting rate by using this table.

Table 1. Buffer Type Chart				
	Existing Adjoining Use			
Proposed Use	Single-Family Residential	Multifamily Residential	Commercial	Industrial
Single-family residential	None	C	B	A
Multifamily residential	C	None	B	A
Commercial	B	B	None	A
Industrial	A	A	A	None

Table 2. Buffer Planting Rate Chart						
				Planting Yard Rates		
Yard Type	Minimum Width	Minimum Average Width	Maximum Width	Canopy Tree Rate	Understory Tree Rates	Shrub Rate
A	20	30	60	4/100 lf	10/100 lf	33/100 lf
B	15	20	40	2/100 lf	3/100 lf	17/100 lf
C	10	10	20		2/100 lf	18/100 lf
lf = linear feet						

(c) *Additional buffer requirements.*

1. Type A buffers shall be composed of at least one row of evergreen shrubs or understory trees.

2. Walls at least six feet in height, constructed of masonry, stone or pressure treated lumber, or an opaque fence, a minimum of six feet in height may be used to reduce the widths of type A and type B buffers by ten feet.

(3) *Parking lot planting rate.* Parking lots shall be landscaped at the rate of one canopy tree per 12 parking spaces. Understory trees may be substituted for canopy trees at the rate of two understory trees per each required canopy tree.

(4) *Parking lot canopy tree distribution.* Required canopy trees shall be distributed throughout parking lots and shall be located within or adjacent to the lot as tree islands, at the end of parking bays, or between rows of parking spaces.

(F) *Design and maintenance standards.*

(1) *Retention of existing vegetation.* Existing vegetation shall be retained and maintained whenever possible so as to permit such vegetation to contribute to buffer and screening requirements. Such retained vegetation which meets or exceeds the standards of this section may receive partial or total credit towards planting requirements within the buffer.

(2) *Maintenance.* All vegetative and other screening devices shall be maintained so as to continue their effectiveness. Any required plantings which die or otherwise fail to satisfy the requirements of this section shall be replaced within 180 days with an equal or similar species and size by the owner. When plant material is severely damaged due to unusual weather conditions or other act of God, the owner shall have up to two years to replant.

(3) *Canopy tree size.* Canopy trees must be a minimum of eight feet high and four inches in caliper, measured six inches above grade, when planted. When mature, a canopy tree shall be at least 40 feet high and shall have a crown of 30 feet or greater.

(4) *Understory tree size.* Understory trees must be a minimum of six feet high and two inches in caliper, measured six inches above grade, when planted.

(5) *Shrub size.* All shrubs shall be expected to reach a maximum height of 36 inches, and a minimum spread of 30 inches within three years of planting.

(6) *Planting protection.* Whenever planting areas are adjacent to parking lots or drives, the planting areas shall be protected from damage by vehicles, lubricants, or fuels.

(7) *Planting standards.* All plant materials shall be installed in accordance with the standards found in the latest edition of American Standards for Nursery Stock, published by the American Association of Nurserymen. After installation, plant materials shall be mulched with a two- to three-inch layer of appropriate material.

(G) *Materials permitted.* The Zoning Administrator shall maintain a list of acceptable plant materials which may be used to satisfy the requirements of this section. If the applicant proposes a species which is not on the approved list, the Zoning Administrator may approve the plant material so long as it is appropriate for the local climate and meets the definition for the use for which it is intended.

(H) *Plants not acceptable.* Unacceptable plants shall include any known non-native and invasive tree, shrub, vine, herbs, or grass, including the following:

(1) *Invasive trees.*

- (a) Tree of Heaven (*Ailanthus altissima*).
- (b) Silk tree (*Albizia julibrissin*).
- (c) Callery Pear (*Pyrus calleryana*).
- (d) Chinese Tallow tree (*Triadica sebifera*).

(2) *Invasive shrubs.*

- (a) Autumn Olive (*Eleagnus umbellata*).
- (b) Bicolor Lespedeza (*Lespedeza bicolor*).
- (c) Multiflora Rose (*Rosa multiflora*).

(3) *Invasive vines.*

- (a) Porcelainberry (*Ampelopsis brevipedunculata*).
- (b) Oriental Bittersweet (*Celastrus orbiculatus*).
- (c) English Ivy (*Hedera helix*).
- (d) Cypressvine Morningglory (*Ipomoea quamoclit*).
- (e) Japanese Honeysuckle (*Lonicera japonica*).
- (f) Kudzu (*Pueraria Montana* var. *lobata*).
- (g) Chinese/Japanese Wisteria (*Wisteria sinensis*/*Wisteria floribunda*).

(4) *Invasive herbs and grasses.*

- (a) Garlic Mustard (*Alliaria petiolata*).
- (b) Sericea Lespedeza (*Lespedeza cuneata*).
- (c) Japanese Stiltgrass (*Microstegium vimineum*).
- (d) Chinese Silvergrass (*Miscanthus sinensis*).
- (e) Japanese Knotweed (*Polygonum cuspidatum*).

(Ord. 2014-07, passed 6-16-2014)

PARKING AND LOADING REQUIREMENTS

§ 153.105 OFF-STREET PARKING REQUIREMENTS.

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

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

(1) Each zoning permit application filed with the Zoning Administrator shall include information as to the location and dimensions of off-street parking space and the means of ingress and egress to the space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this section are met. No certificate of occupancy shall be issued until the parking requirements and regulations are fully met.

(2) The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that 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.

(3) If the off-street parking space required by this chapter cannot be reasonably provided on the same lot which the principal use is located, the space may be provided on any land within 400 feet of the main entrance to the principal use.

(4) Parking space sizes shall be governed by the following dimensions:

- (a) Parallel stall - 20 feet by 9 feet.
- (b) Angle stall - 19 feet by 8.5 feet.
- (c) 90-degree stall - 19 feet by 9 feet.

(5) Minimum aisle widths shall be:

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

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

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

(a) *Surfacing.* All parking lots shall be graded and surfaced with six inches of crushed stone, blacktop or concrete to ensure a dustless surface condition.

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

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

(d) *Yards.* All parking lots shall observe a minimum front yard of not less than five feet and a side yard or a corner lot of not less than five feet. Parking lots in residential-agricultural and residential districts shall have front yards of not less than 15 feet and side and rear yards of not less than five feet. Yards surrounding parking lots shall be planted and maintained in lawn or other appropriate planting or shall be improved otherwise keeping with the character of adjacent property. When a parking lot is adjacent to residential-agricultural or residential zoned or used property, and buffer as defined in § 153.012 is not required, natural planting, hedge or a decorative fence to a height of at least six feet shall screen the residential property.

(e) *Curbs or bumpers.* The required yards shall be set off from parking areas by either continuous curb or one noncontinuous stationary bumper for each parking space abutting on a yard, which curb or bumper shall not be less than five inches or more than two feet high.

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

(g) *Separation of bumper and walkways.* If any parking stall abuts upon a walkway, there shall be a space of 3-1/2 feet between the wheel bumper or curb and the edge of the walkway.

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

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

(8) Exceptions.

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

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

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

(9) (a) The minimum number of required off-street parking spaces shall be calculated as provided in division (10) below of this section. In the case of a building or use not expressly provided for, the number of off-street spaces shall be the same as for a similar use or inclusive category which is provided for.

(b) Where there is more than one use in a single structure, or on a single tract, or two or more instances of the same use, the minimum number of required off-street parking spaces shall be equal to the sum of the requirements of the various uses, except for shopping centers which are expressly provided for.

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

<i>Use</i>	<i>Number of Required Off-Street Parking Spaces</i>
<i>Residential uses:</i>	
Dwellings, single-family and two-family	2 per dwelling unit
Dwellings, multi-family	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units
Townhouses	2 spaces for each dwelling unit plus 1 visitor space for each 4 dwelling units

<i>Use</i>	<i>Number of Required Off-Street Parking Spaces</i>
<i>Residential uses:</i>	
Group housing, such as boarding	1.2 for each bedroom houses, dormitories and similar establishments
Mobile homes on individual lots	2 per mobile home
Mobile home parks	2 spaces for each mobile home plus 1 visitor parking space for each mobile home
<i>Office and institutional uses:</i>	
Financial institutions	1 for each 150 square feet of gross floor area or fraction thereof, plus safe facilities to accommodate passengers waiting in line for drive-in windows and banking machines, if any
Hospitals	1 space for each 150 square feet of gross floor area or fraction thereof
Libraries	1 space for each 200 square feet for use by the public or fraction thereof
Museums and art galleries	1 space for each 800 square feet of gross floor area or fraction thereof
Nursing homes, family care homes and similar institutions	4 times the maximum lawful number of occupants
Doctor or dentist office	6 for each doctor or dentist plus 1 for each other employee
Other office	1 for each 300 square feet of gross floor area or fraction thereof
Places of assembly, including clubs, lodges, churches, funeral parlors, auditoriums, gymnasiums, amusement parks and similar places	1 for each 3 seats, plus 1 for each 100 square feet of floor area used for assembly, but not containing fixed seats, or fraction thereof
<i>Schools and colleges:</i>	
Day nurseries, kindergartens, elementary and junior highs	2 for each 750 square feet of classroom floor area or floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/ gymnasium parking, if applicable
Senior highs, and colleges, trade, with dormitories	5 for each 750 square feet of classroom vocational with floor area or fraction thereof, plus 1 for each administrative office, plus auditorium/gymnasium/dormitory parking requirement, if applicable

Enfield - Land Usage

<i>Use</i>	<i>Number of Required Off-Street Parking Spaces</i>
<i>Schools and colleges:</i>	
Colleges, trade, vocational without dormitories	10 for each 750 square feet of classroom area or fraction thereof, plus auditorium/gymnasium parking requirement, if applicable
<i>Commercial uses:</i>	
Bowling alley	5 per lane
Campground:	
Tent	1 for each campsite plus office parking requirement
Recreational vehicle	1 for each campsite plus office parking requirement
Car wash	5 per wash lane
Golf course (not including putting greens accessory to multi-family dwelling or hotels or motels)	4 per hole
Restaurants:	
Drive-in or take-out	Minimum of 15 spaces plus 1 additional for each 50 square feet of gross floor area or fraction thereof
Other	1.2 for each 100 square feet of gross floor area or fraction thereof
Service stations	2 for each gas pump, plus 3 for each grease rack or similar facility
Shopping centers (in lieu of individual store parking requirements)	5.5 per 1,000 square feet of gross leasable area or fraction thereof
Low generator retail and service establishments such as furniture, appliance, household equipment, carpet and hardware stores, repair shops including shoe repair, contractors' showrooms, drapery, paint and wallpaper, upholstery, interior decorator, motor vehicle sales, plant nurseries	1 for each 500 square feet of gross floor area or fraction thereof, including any outdoor sales area
All other commercial uses such as retail stores, wholesale outlet stores, department stores, discount stores, drug stores, coin-operated laundries, variety stores, convenience stores	1 for each 200 square feet of gross floor area or fraction thereof, including outdoor sales area

<i>Use</i>	<i>Number of Required Off-Street Parking Spaces</i>
<i>Industrial uses:</i>	
Industrial and research uses, warehousing and very low customer volume wholesaling operations	1 for each employee on premises at any one time

(1993 Code, § 78-156) Penalty, see § 153.999

§ 153.106 OFF-STREET LOADING REQUIREMENTS.

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

(1) Retail business - One space for each 20,000 square feet of gross floor area or fraction thereof.

(2) Wholesale trade and industry - One space for each 10,000 square feet of gross floor space or fraction thereof.

(3) Office and institutional uses including hotels and motels - One space for each 50,000 square feet of gross floor area or fraction thereof.

(4) As well as meeting the requirements of division (A)(3) of this section, elementary, junior high, high schools, kindergartens, nurseries, and day care centers shall also provide a safe place off the street for the loading and unloading of children from automobiles and buses.

(B) Exceptions.

(1) If a peculiar characteristic of an establishment makes the requirements in this section clearly unrealistic, the Board of Adjustment may grant the modification of the loading requirements in regard to that particular establishment.

(2) In the central business district, the Zoning Administrator may allow a new use to be established in an existing building even if all loading requirements of this section cannot be met for the new use provided that as much loading space as can reasonably be provided is provided by the use and traffic or safety hazards will not be created.

(1993 Code, § 78-157) Penalty, see § 153.999

§ 153.107 REGULATION OF PARKING IN RESIDENTIAL DISTRICTS.

In all residential districts, no motor vehicle or trailer shall be parked in the front yard of any principal structure, or on any side yard that faces a public street unless it is placed on a graded surface that contains at least six inches of crushed stone, asphalt, concrete or other impervious surface material. (Ord. 14-01, passed 2-17-2014)

SIGNS

§ 153.120 SCOPE.

No sign or sign structure may be erected, posted, hung, painted, rehung, repainted, repaired, replaced, changed or maintained in any district except in compliance with this subchapter. (1993 Code, § 78-176) Penalty, see § 153.999

§ 153.121 GENERAL REGULATIONS.

General sign regulations are as follows:

(A) No sign or sign structure shall be erected or constructed to interfere with vision clearance as defined in § 153.009.

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

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

(D) Signs and sign structures shall meet all requirements of the North Carolina State Building Code. Signs do not require separate zoning permits unless a building permit is required for the sign or unless otherwise noted in §§ 153.123 or 153.125.

(E) Signs and sign structures shall be maintained at all times in a state of proper repair, with all braces, bolts, clips, guys, anchors, supporting frames, and fastening free from deterioration, insect infestation, rot, rust, or loosening. All signs shall be kept neatly finished, with lettering intact, and if of a type which requires painting, free from visible peeling or chipping. If, in the opinion of the Zoning Administrator, a sign's general overall condition is not satisfactory, it shall be found to be in violation of this subchapter.

(F) Any sign which becomes a safety hazard or which is not kept in good general condition and a reasonably good state of repair and is not, after 60 days' written notice to the owner of the premises or the permittee, put in a safe and good state of repair, is hereby declared a public and private nuisance and may be removed, obliterated, or abated by the Zoning Administrator of the town. Any sign which, in the opinion of the Zoning Administrator, constitutes an immediate or imminent danger to life or property, may be caused to be removed or put in a safe condition by him or her immediately. In either case, the costs of the removal/repair may be charged to the owner of the premises where he or she has been afforded reasonable notice. Any charge so levied shall be collected as a tax, and any charge having been assessed and which remains unpaid shall constitute a lien against the property as provided in G.S. 160A-193.

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

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

(I) Temporary strings of light bulbs (i.e., not permanently installed in accordance with the North Carolina Electrical Code) used in connection with commercial premises for commercial purposes shall not cause glare on traffic or adjoining premises. These lights may be erected for no longer than 60 days.

(J) One sandwich board sign may be approved in writing by the Zoning Administrator for each building on a lot zoned Downtown commercial (CD) or Highway commercial (CH) and for which a freestanding sign is not permitted. This approval shall assure that the regulations set forth below are met and the color, design, and content of the sign are consistent with the statement of intent of the zoning district within which it is located. In addition, the following regulations shall apply to all sandwich board signs:

(1) The area of each face of the sign shall not exceed 12 square feet. The total area of each face of the sign shall be the same in size and not exceed three feet in width and four feet in height. No extensions or projections shall be approved.

(2) A sandwich board sign shall not be located closer than five feet from a side lot line. The sign may be located in a public right-of-way that is adjacent to the building that the business is located in, provided at least six feet of clear sidewalk width is maintained. No sign shall be located within a parking area, interfere with any sight distance area, or obstruct the loading or unloading of any passenger or commercial vehicle.

(3) Sign information shall be permanently affixed to both faces of the sign. Message content may be changed without additional approvals. Each face shall contain the same information.

(4) A sandwich board sign shall be made of wood and shall be constructed in a sturdy manner.

(5) A sandwich board sign shall not be illuminated in any manner.

(6) A sandwich board sign may be displayed only when the business is open. The sign shall be stored indoors at all other times.

(7) A sandwich board sign may be removed by the Zoning Administrator or his or her designee if he or she finds that the sign violates any of the regulations contained within this division.

(8) The sign located within a public right-of-way may be removed without notice if the Town Manager or his or her designee finds that the sign is a public nuisance or if it is in the way of town operations.

(1993 Code, § 78-177) Penalty, see § 153.999

§ 153.122 PROHIBITED SIGNS.

The following types of signs are expressly prohibited.

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

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

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

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

(1993 Code, § 78-178) Penalty, see § 153.999

§ 153.123 OFF-SITE ADVERTISING SIGNS.

Off-site advertising signs (billboards) shall be permitted only as a special use in the CH and LI districts. The conditions in § 153.057 are not applicable to off-site advertising signs. A special use permit shall be granted provided the following conditions are met.

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

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

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

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

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

(1993 Code, § 78-179) Penalty, see § 153.999

§ 153.124 NONCONFORMING SIGNS.

Nonconforming signs, when removed for other than normal maintenance, may not be erected again, or may any sign be replaced with another nonconforming sign.

(1993 Code, § 78-180) Penalty, see § 153.999

§ 153.125 PERMITTED SIGNS.

<i>Type of Sign</i>	<i>Maximum Area (Square Feet)</i>	<i>Maximum Height (Feet)</i>	<i>District</i>	<i>Other Requirements</i>
Advertising, off-site (billboards)	50	12	Special use in RA, CH and LI	Maximum height of structure is 35 feet; see § 153.123
Agricultural, advertising products produced on premises	32	8	Permitted uses in RA	
Awning, silk screened or sewn on front of awning	NA	NA	Permitted use in CD, CH and LI	

Enfield - Land Usage

<i>Type of Sign</i>	<i>Maximum Area (Square Feet)</i>	<i>Maximum Height (Feet)</i>	<i>District</i>	<i>Other Requirements</i>
Bulletin board, church or public	32	8	Permitted use in all districts	
Canopy signs (may also be placed on non-raising marques)	16	NA	Permitted use in CD, CH and RA	Identification only; 1 per entranceway; bottom of sign must be 7 feet above sidewalk level, moreover public right-of-way if required by town regulations
Construction site placards	64	12	Permitted use in all districts	Must be removed when construction has been completed
<i>Directional signs containing no advertising matter:</i>				
Traffic, safety, utility warning, public	NA	NA	Permitted use in all districts	
Pedestrian, public	NA	NA	Permitted use in all districts	
Traffic and pedestrian, private	NA	NA	Permitted use in all districts	
No trespassing	NA	NA	Permitted use in all districts	
Off-site directional to churches, meeting halls, civic clubs	12	NA	Permitted use in all districts	
Temporary directional to garage sales and similar events in residential area, excluding portable commercial signs	4	NA	Permitted use in all districts	Must be posted no more than 24 hours before sale and removed within 24 hours after sale

<i>Type of Sign</i>	<i>Maximum Area (Square Feet)</i>	<i>Maximum Height (Feet)</i>	<i>District</i>	<i>Other Requirements</i>
Entrance or monument-type signs to subdivisions, neighborhoods, public, commercial, institutional establishments	32	Signs and pillars may not exceed 8 feet in height	Permitted use in all districts	No more than 2 per entrance allowed
The flag, pennant or insignia of any nation or organization of nations, state, county, city, religious, civic or fraternal organization or educational institution when not used in connection with a commercial promotion, or as an advertising device or as an integral part of another sign	NA	NA	Permitted use in all districts	In R-1, R-2, RMH and CR districts, wall and projecting insignia may not exceed 10 square feet in area nor may the project be more than 9 feet from wall at farthest point; in business and industrial districts, insignia may be placed on signs permitted in those districts
Gasoline price signs	9	NA		Two permanent gasoline price/self-service signs; height not to exceed 6 feet above the top of the pump
Ground signs	150	35	Permitted use in CH and LI	No more than 1 per street frontage containing entrance to use; may be used only for identification or on-site advertising
Ground signs	40	20	Permitted use in CH and LI	Must be at least 30 feet from any other ground sign; must meet vision clearance of § 153.005
House numbers	4	NA	Permitted use in all districts	May contain no advertising matter
Memorial signs, tablets, name of building and date of construction	NA	NA	Permitted use in all districts	Must be cut into a masonry surface or cast of metal and affixed flat against a surface

Enfield - Land Usage

<i>Type of Sign</i>	<i>Maximum Area (Square Feet)</i>	<i>Maximum Height (Feet)</i>	<i>District</i>	<i>Other Requirements</i>
Name of occupant of residential premises	2	NA	Permitted use in all districts	
Newspaper names on newspaper tubes	NA	NA	Permitted use in all districts	
NC State Inspection sign	4	NA		One NC State Inspection sign affixed to pump island or business sign permitted on business site
No vacancy/vacancy signs	NA	NA	Permitted use in all districts	
Political signs	4	NA		Must be removed within 15 days after last election to which they pertain
Portable signs, including signs mounted on a vehicle or a trailer or trailer-type device	32	10	Permitted use in CD, CH and LI	Nonrenewable permit from Zoning Administrator required; 10-day time limit; no more than 1 sign per establishment per street frontage; same establishment may not have temporary sign(s) again for 30 days after removal of sign(s); signs shall not have colored or flashing lights or lights which cause glare on traffic or adjacent properties; signs shall not be located on the public right-of-way nor obstruct vision clearance as indicated in § 153.065(A)
Professional or announcement signs	4	NA	Permitted use in all districts	One per establishment

<i>Type of Sign</i>	<i>Maximum Area (Square Feet)</i>	<i>Maximum Height (Feet)</i>	<i>District</i>	<i>Other Requirements</i>
Projecting signs	20	NA	Permitted use in CD, CH and LI	Signs may be no more than 9 feet from wall at farthest point; one sign per face on street, or 2 per establishment, whichever is less; the sign may be hung on corner of building but shall count against the maximum allowed above; establishments may not have a wall or roof sign on same face as projecting sign
Real estate signs	6	NA	Permitted use in residential districts	
Real estate signs	32		Permitted use in CD and CH	
Religious symbols at formal places of worship	NA	NA	Permitted use in all districts	
Roof signs-see Wall signs				
Service station signs, automobile or truck	NA	NA	Permitted use in all districts when accessory to a service station	
Signs or racks for the orderly display of engine oil, provided signs are no longer than the rack	NA	NA		
Signs on pumps and/or pump islands concerning the type and price of fuel	NA	NA		Sign may display brand name/logo and information concerning the dispensing of fuel, provided the information does not exceed size of pump face

<i>Type of Sign</i>	<i>Maximum Area (Square Feet)</i>	<i>Maximum Height (Feet)</i>	<i>District</i>	<i>Other Requirements</i>
Signs on open portable tire racks provided the signs are no longer than the rack	NA	NA		
A sign may be painted on the inside and outside front door face of the closed tire rack, but shall not be painted on the sides or rear	NA	NA		
One double-faced on-site advertising sign per street frontage showing the current price of fuel sold on the premises; sign shall be located off the right-of-way	32	8		
Temporary banners, pennants, streamers, excluding portable commercial signs	30	NA	Permitted use in CD and CH	See § 153.003; may remain for no more than 4 weeks
Temporary paper window sign	NA	NA	Permitted in all districts	Can cover no more than 50% of window area; the same signs are not displayed for longer than 30 days; used for special sales and other merchandising events
Temporary signs relating to farm auctions, agricultural production sales, annual charitable, civic or fraternal events, excluding portable commercial signs	20 (off-site) 32 (on-site)	NA	Permitted use in all districts	Off-site: no more than 1 per lot On-site: no more than 3 per lot; may remain for no more than 45 days in all

<i>Type of Sign</i>	<i>Maximum Area (Square Feet)</i>	<i>Maximum Height (Feet)</i>	<i>District</i>	<i>Other Requirements</i>
Vending machine signs painted or mounted on the machine related to the products in the machine; bank machine or book depository signs which instruct customers or patrons	NA	NA	Permitted use in all districts	
Wall or roof signs	1.25 square feet of sign area per running foot of building frontage	Signs shall not project over the roof line of the building to which they are attached	Permitted use in CD, CH and LI	Wall signs must be mounted on area of wall free of window, doors or other architectural detail; may not interrupt or cover major architectural features; only 1 wall, roof or projecting sign per establishment per street frontage is permitted other than those specifically mentioned elsewhere in this table; signs may be used only for identification or on-site advertising, and at least 80% of sign face shall be for identification
Window signs	NA	NA	Permitted use in CD, CH and LI	Shall be constructed of non-temporary material (§ 153.005); shall not exceed 20% of window area

(1993 Code, § 78-181) Penalty, see § 153.999

MOBILE HOMES AND MOBILE HOME PARKS

§ 153.140 MOBILE HOMES ON INDIVIDUAL LOTS.

(A) Mobile homes on individual lots shall be a permitted use where indicated in §§ 153.085 *et seq.*

(B) (1) All requirements for the location of a single-family dwelling on an individual lot shall be met. Any mobile home constructed before July 1, 1976 must be approved by Underwriters Laboratories and any mobile home constructed after that time must meet all applicable state and federal standards.

(2) All mobile homes shall be tied down in accordance with the *State of North Carolina Regulations for Mobile Homes and Modular Housing*.

(3) All the appropriate County Health Department requirements shall be met.
(1993 Code, § 78-201) Penalty, see § 153.999

§ 153.141 ADDITIONAL REQUIREMENTS.

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

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

(C) Permanent or precast steps shall be constructed or placed at all exterior doors as necessary.

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

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

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

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

(H) The conditions set forth in divisions (B) and (F) above shall be met within six months (180 days).

(1993 Code, § 78-201) Penalty, see § 153.999

§ 153.999 PENALTY.

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

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

(1993 Code, § 78-75)

