

Town of Winton

Hertford County

North Carolina

Zoning Ordinances

Adopted and Effective: October 2, 2000

Updates Introduced: August 7, 2023

Proposed Revisions Discussed: September 11, 2023

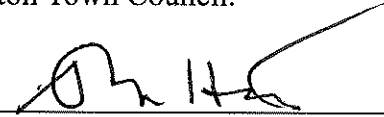
Updates Adopted: October 2, 2023

Ordinance No. _____

**AN ORDINANCE AMENDING CHAPTER 92
OF THE TOWN OF WINTON'S CODE OF ORDINANCES**

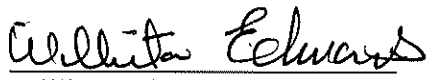
NOW, THEREFORE, BE IT ORDAINED by the Town Commissioners of the Town of Winton that CHAPTER 92: ZONING REGULATIONS of the Town of Winton's Code of Ordinances is hereby amended by replacing CHAPTER 92: ZONING REGULATIONS in its entirety with Chapter 92: Zoning Ordinances as attached hereto.

Introduced in the August 7, 2023 Regular Meeting of the Town of Winton, and adopted the 2nd day of October, 2023, upon motion duly made, seconded, and passed by a vote of 4 aye and 0 nay at the October 2, 2023 regular meeting of the Winton Town Council.



G. Evans Heath, Mayor

ATTEST:



Willieta Edwards, Town Clerk

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Town of Winton
Hertford County
North Carolina

Evans Heath, MAYOR
Willieta Edwards, TOWN CLERK

BOARD OF COMMISSIONERS

Evans Heath, Mayor
Emmy Winstead Michael Hinton
Cliff Sexton Orlanda Reed Blake Blythe

TOWN CLERK

Willieta Edwards, Town Clerk

With Technical Assistance by:

MID-EAST COMMISSION
Planning Department
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CHAPTER 92: ZONING ORDINANCES

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ARTICLE I. GENERAL PROVISIONS

§ 92.01 SHORT TITLE.

These regulations shall be known as the Zoning Ordinance of the Town of Winton, North Carolina, and may be cited as the Zoning Ordinance or Zoning Code.

§ 92.02 PURPOSE AND AUTHORITY.

The zoning regulations and districts as herein set forth have been established in accordance with the Town Land Use Plan, as amended and supplemented, 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; to facilitate the adequate provision of transportation, utilities, including but not limited to water, sewerage, electricity, as well as schools, parks, and other public requirements. These regulations and districts have been developed with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to preserving the value of buildings and encouraging the most appropriate use of land throughout the community. The provisions of this chapter are adopted under authority granted by the General Assembly of the State, under G.S. 160D.

- (A) Plans shall be adopted by the Board of Commissioners with the advice and consultation of the Planning Board. Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601.
 - (1) Plans adopted under G.S. 160D shall be advisory in nature without independent regulatory effect.
 - (2) Plans adopted under G.S. 160D do not expand, diminish, or alter the scope of authority for development regulations.
 - (3) If a plan is deemed amended by G.S. 160D-605 by virtue of adoption of a zoning amendment that is inconsistent with the plan, that amendment shall be noted in the plan. However, if the plan is one that requires review and approval subject to G.S. 113A-110, the plan amendment shall not be effective until that review and approval is completed.
 - (4) No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment unless the down-zoning amendment is initiated by The Town or the landowner.
- (B) The comprehensive plan or land-use plan shall be reasonably maintained by Hertford County.
- (C) The Board of Commissioners shall permit the adoption of a legislative decision for development regulations on the first reading by simple majority; a two-thirds majority shall not be required for any such decisions.

§ 92.03 ESTABLISHMENT OF DISTRICTS.

(A) Use districts created. For the purpose of this chapter, the town is divided into nine use districts with the designations and purposes as listed below:

| | |
|-------|--|
| R-15 | Single-Family Residential District |
| R-9 | Single-Family Residential District |
| R-5MH | Mobile Home Park Residential District |
| R-3MF | Multi-Family Residential District |
| O-1 | Office and Institutional District |
| B-1 | Neighborhood Business District |
| B-2 | Highway Business District |
| I-L | Light Industrial District |
| I-H | Heavy Industrial District |
| AEC | Area of Environmental Concern (overlay district) |
| PUD | Planned Unit Development (overlay district) |

(B) District boundaries shown on official zoning map. The boundaries of the districts are shown on the map made a part of this chapter entitled Official Zoning Map. The zoning map and all the notations, references, amendments thereto, and other information shown thereon are made a part of this chapter and the same as if such information set forth on the map were all fully described and set forth herein.

(1) The Town shall maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); may adopt and maintain in paper or digital format. (G.S. 160D-105.)

(a) The prior zoning maps as well as any state or federal agency maps incorporated by reference into the zoning map shall also be available for public inspection at the town. The before mentioned maps can be maintained in paper or digital format.

(C) Interpretation of district boundaries. When uncertainty exists with respect to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(1) Delineation. District boundary lines are intended to be along or parallel to property lines, lot lines, streets, alleys, railroads, easements, other rights-of-way, and not less than 75 feet from the centerline of creeks, streams, or other water channels.

(2) Town Board. When the street or property layout on the ground is at variance with that shown on the official zoning map, the Town Board shall, consistent with law, interpret the district boundaries of this chapter.

- (D) Interpretation of district regulations. Regulations for each district shall be enforced and interpreted according to the following rules:
- (1) Permitted uses. Uses not designated as permitted uses shall be prohibited, except when special uses as herein defined, are provided for according to the additional regulations imposed.
 - (2) Minimum regulations. Regulations set forth by this chapter shall be minimum regulations. If the district requirements set forth in this chapter are at variance with the regulations of any other lawfully adopted rules, regulations, or other ordinances, the more restrictive or higher standard shall govern.
 - (3) Land covenants. Nothing in this chapter shall modify or repeal any deed restrictions but no such restrictions shall constitute a basis for failing to comply with the chapter.
- (E) Bona Fide Farm Operations.

This ordinance shall in no way regulate, restrict, or prohibit any bona fide farm operation or its related uses whether within town zoning or within an extra territorial jurisdiction. However, any use of such property for non-farm purposes shall be subject to these regulations as set in G.S. 160D-903(c).

§ 92.04 TERRITORIAL LIMITS.

The provisions of this chapter shall be applicable only within the corporate limits of the town as defined by the official zoning map, as amended and supplemented, as well as in the Extraterritorial Jurisdiction, as from time to time may be established pursuant to law.

§ 92.05 APPLICATION.

- (A) The regulations set forth in this chapter affect all land, every building, and every use of land or building, and shall apply as follows:
- (1) New uses or construction. After the effective date of this chapter all new construction or use of land shall conform to the use and dimensional requirements for the district in which it is to be located.
 - (2) Conforming uses or structures. After the effective date of this chapter, legally existing land, structures, or the uses of land or structures which then conform with the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform, with the provisions of §92.50 through §92.53.
 - (3) Legal nonconforming uses of structures. After the effective date of this chapter, land, structures, or uses of land or structures, which would be prohibited under the regulations for the district in which it is located, shall be considered as nonconforming. Legal nonconforming structures or uses may be continued provided they conform to the provisions of §92.50 through §92.53.

- (B) Only one principal building permitted on one lot. No lot shall be occupied by more than one principal building. No part of a yard, court, or other open space provided about any building or structure for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required under this chapter for another building or structure. A residence shall always constitute a principal use.
- (C) Reduction of lot and yard areas prohibited. No yard or lot legally existing at the time of passage of this chapter shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots legally created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- (D) Lots of record. Where the owner of a legal lot at the time of the adoption of this chapter or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such legal lot may be used as a building site, provided that the lot width and lot area are not more than 20% below the minimum specified in this chapter. In any case where the lot area and lot width are more than 20% below the minimum specified in this chapter or other dimensional requirements cannot be met, the Town Board is authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.
- (E) Adjoining and vacant legal lots of record. If two or more adjoining and vacant legal lots of record are in single ownership at any time after the adoption of this chapter and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this chapter for the district in which such lots are located.
- (F) Newly incorporated areas. All territory which may hereafter be included within the zoning jurisdiction of the town shall, after the proper hearings, be placed in the R-15 Residential District until otherwise classified by the Town Board.
- (G) Changes in the official zoning map. If, in accordance with the provisions of this chapter, or in an ordinance establishing future boundaries of the town extraterritorial jurisdiction, changes are made in the district boundaries or extraterritorial jurisdiction, such changes shall be entered on the official zoning map promptly after such changes have been adopted by the Town Board. In any case, no change in the official zoning map by the Town Board shall be valid unless all previous official changes have been properly entered on the official zoning map.
 - (1) If there shall be an extension of the extraterritorial jurisdiction the town shall provide a mailed notice 30 days prior to the hearing and will hold one hearing regarding the extension and initial zoning extension if the Board so chooses as consistent with G.S. 160D-202(d).
 - (2) If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required.
 - (3) If the future land use map is amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process.
 - (4) A statement of reasonableness must be adopted for zoning map amendments.

Penalty, see §92.99

§ 92.06 VESTED RIGHTS.

- (A) A vested right shall be deemed established with respect to any property upon the valid approval, or special approval, of a site-specific development plan as defined in Section 92.07 of this ordinance and further defined in G.S. 160D-102; 108; 108.1, or a phased development plan, following notice and public hearing by the Town Board of Commissioners. Such vested right shall confer on the landowner and/or his legally designated agent the right to undertake and complete development and use of said property under the terms and conditions of the site-specific development plan or phased development plan upon such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare. Such special approval shall result in a vested right, although failure to abide by such terms and conditions will result in a forfeiture of vested rights. A site specific or phased development plan shall be deemed approved upon the effective date of approval by the Town Board, and the landowner cannot be required to waive his vested rights as a condition of plan approval.
- (B) A right which has been vested in accordance with the provisions of G.S. 160D-102; 108; 108.1 shall remain vested for a period of two years and shall not be extended by any amendments or modifications to a site-specific development plan or phased development plan unless expressly provided by the Town.
- (C) Notwithstanding the foregoing provisions, the Town may provide that rights shall be vested for a period exceeding two years but not more than five years were warranted in light of all relevant circumstances, including but not limited to, size and phasing of development, economic conditions and market conditions. These determinations shall be made in the sound discretion of the Town.
- (D) Notwithstanding the foregoing provisions, the Town may provide by ordinance that approval by the Town of a phased development plan shall vest the zoning classification or classifications so approved for a period not to exceed five (4) years. The document that triggers such vesting shall be so identified at the time of its approval. The Town still may require the landowner to submit a site-specific development plan for approval by the Town with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classification or classifications. Nothing in the section be construed to require a governing body to adopt an ordinance providing for vesting of rights upon approval of a phased development plan.
- (E) Following approval or special approval of a site-specific development plan or phased development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals by the Town to ensure compliance with the terms and conditions of the approval or this zoning ordinance.
- (F) Site-specific vesting plans shall be vested for two (2) to five (5) years. Multi-phase developments which shall be defined as long-term projects of at least 25 acres shall be vested up to seven (7) years.
- (G) A right, which has been vested as provided in this section, shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

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

- (1) with the written consent of the landowner.
- (2) upon findings, by ordinance after notice and 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 or phased development plan;
- (3) to the extent that the affected landowner receives 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 consultants' 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 may be caused by such action;
- (4) upon findings, by ordinance after notice and a hearing, that the landowner of his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the site-specific development plan or the phased development plan; or
- (5) upon the enactment or promulgation of a state or federal law or regulation which precludes development contemplated in the site-specific development plan or the phased development plan, in which case the Town may modify the affected provisions by ordinance after notice and a public hearing, upon a finding that the change in state or federal law has a fundamental effect on the plan.

(I) The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or density of use, or ordinances or regulations which 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 regulations shall become effective with respect to property, which is subject to a site-specific development plan or -a phased development plan upon the expiration or termination of the vested rights period provided for in this section.

(J) Notwithstanding any provision of this section, the establishment of a vested right shall not preclude, change, or impair the authority of the Town to adopt and enforce zoning ordinance provisions governing non-conforming situations or uses.

(K) Miscellaneous

- (1) A 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 or phased development plan, all successors to the original landowners shall be entitled to exercise such rights.
- (2) Nothing in this section shall preclude judicial determination, based on common law principals or other statutory provisions, that a vested right exists in a particular case or

that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

- (3) In the event the Town fails to adopt an ordinance defining a site-specific development plan triggering a vested right, a landowner may establish a vested right with respect to property upon the approval of a zoning permit, or otherwise may seek appropriate relief from the Superior Court Division of the General Court of Justice.

§ 92.07 DEFINITIONS; INTERPRETATION.

- (A) For the purpose of this chapter, certain words shall be interpreted as follows. Except as defined herein, all other words used in this chapter shall have their customary dictionary definition.
 - (1) The word "PERSON" includes but is not limited to a firm, association, entity, organization, partnership, trust, company, or corporation as well as an individual.
 - (2) The word "MAY" is permissive.
 - (3) The word "SHALL" is always mandatory and not merely directory.
 - (4) The words "USED" or "OCCUPIED" include the words intended, designed, and arranged to be used or occupied.
 - (5) The word "LOT" includes, but is not limited to the words, plot, parcel, site, and premises.
 - (6) The word "BUILDING" includes the word structure.
 - (7) The words "MAP," "ZONING MAP," and "WINTON ZONING MAP" shall mean the official zoning map for the Town of Winton, North Carolina.
 - (8) The word "TOWN" shall mean the Town of Winton, a municipal corporation of the State of North Carolina.
 - (9) The words "ORDINANCE" and "REGULATION" shall mean the official zoning ordinance for the Town of Winton, North Carolina.
 - (10) The words "PLANNING BOARD" shall mean the Town of Winton Planning Board.
 - (11) The words "TOWN BOARD" shall mean the Town of Winton Board of Commissioners.
- (B) Tense and number.
 - (1) The "PRESENT TENSE" includes the "FUTURE TENSE" and the "FUTURE TENSE" includes the "PRESENT TENSE."
 - (2) The "SINGULAR NUMBER" includes the "PLURAL NUMBER," and the "PLURAL NUMBER" includes the "SINGULAR NUMBER."
- (C) For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ACCESSORY BUILDING" and "ACCESSORY USE." A subordinate building or use incidental to the principal building or use on the same legal lot.

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

"ADMINISTRATIVE OFFICER." The Town of Winton Town Clerk shall be the official charged with the enforcement of the zoning code.

"ALLEY." A legally created public thoroughfare which affords only a secondary means of access to abutting property.

"APARTMENT HOUSE." See "DWELLING, MULTI-FAMILY."

"APPROVAL AUTHORITY." The Board of Commissioners, Board of Adjustment, or other Board or official designated by ordinance as being authorized to grant the specific zoning or land use permit or approval that constitutes a Site-Specific Development Plan.

"BED AND BREAKFAST." A private single-family dwelling, which rents rooms without cooking facilities to transients for compensation, and provides a breakfast meal, but no other meals, for guests on the premises.

"BILLBOARD." See "SIGN, OUTDOOR ADVERTISING."

"BOARDING HOUSE." A building dedicated to the lodging or feeding or both of non-transient persons for compensation. See "TOURIST HOME."

"BUFFER" or "BUFFERYARD." A specified unit of land (see "YARD;" "YARD," "FRONT;" "YARD," "SIDE;" and "YARD, REAR"), specified landscaping, or specified plantings required on a parcel to shield or reduce the nuisance or negative impact to property value or well-being of the adjoining use. The same "BUFFER" or "BUFFERYARD" may or may not be required around the entire perimeter of a parcel since the adjacent uses may differ on different sides.

"BUILDING." Any structure used or intended for supporting or sheltering any use or occupancy.

"BUILDING LINE." See "SETBACK LINE."

"CARWASH." A structure containing facilities for washing automobiles and automatic or semi-automatic application of cleaner, brushes, rinse water, and heat for drying.

"CHURCH," "CLUB," or "LODGE, PRIVATE." An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreational, or like activities, operated on a nonprofit basis for the benefit of its members.

"CONVENIENCE STORE." Inclusive of "gas station" and "filling station" and defined as a building or lot used for the retail dispensing or sales of gasoline and diesel fuel; sometimes having an accessory use of automobile servicing and repair, car washes, the sale/installation of tires, oils, lubricants, batteries; and sometimes having as an accessory use, the sales of snack foods, tobacco, newspapers, ice, magazines, drinks, and other convenient type goods for off premises consumption.

"CURB CUT." A lowered or cut-away curb for purposes of ingress or egress to property abutting a public street.

"DAY CARE CENTER" A child day care facility as defined in G.S. 110-86 as well as a center providing day care on a regular basis for more than two (2) hours per day for more than five (5) adults.

"DEDICATION." A gift, by the owner, of a right to use land for stated purposes. A dedication must be in writing and in recordable form and is completed with an acceptance and recordation.

"DEVELOPMENT APPROVAL." An administrative or quasi-judicial approval made pursuant to G.S. 160D that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. This term also includes all other regulatory approvals required by regulations adopted pursuant to G.S. 160D, including plat approvals, permits issued, develop agreements entered into, and building permits issued.

"DISTRICT, ZONING." A section of the town or its extraterritorial area within which the zoning regulations are uniform.

"DOG PEN." A fenced structure with, or without roof providing containment or shelter for not more than two dogs beyond the age of 12 weeks. Dog pens are accessory uses and must respect the setback requirements of the zone in which they are located. Dog pens shall be permitted for private noncommercial uses only.

"DUPLEX." A freestanding building with two (2) individually owned units. The building has common walls between units or a zero-based lot line and a side yard. The building may be one (1) or two (2) stories and must meet or exceed the North Carolina Building Code Standards.

"DWELLING." A building that contains one or two dwelling units used, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes.

"DWELLING. TWO-FAMILY." A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each family.

"DWELLING. MULTI-FAMILY." A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each, including apartments, hotel apartments, and group housing.

"DWELLING UNIT." A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"EASEMENT." A grant in writing and in recordable form by the property owner for use by the public, a corporation or person(s) of a strip of land for specific reasons.

"EXTRATERRITORIAL AREA." That land beyond the corporate limits as delineated on the official zoning map for the town in accordance with G.S. 160D-200; 202; 903.

"EXTRATERRITORIAL JURISDICTION." See "EXTRATERRITORIAL AREA."

"FAMILY." One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, fraternity, or sorority house, or hotel.

"FAMILY CARE HOME." A facility that provides room and board, personal care, and rehabilitation services in a family environment for a maximum of six residents.

"FRONTAGE." The distance between the two (2) side lot lines as measured along the front setback line.

"GROUP PROJECTS." Two or more buildings to be constructed on a parcel of land not subdivided into customary streets and lots and which will not be so subdivided.

"HEALTH CARE FACILITY." A facility or institution, whether public or private, principally engaged in providing services for health maintenance and the treatment of mental or physical conditions.

"HOME OCCUPATION." An occupation, profession, or craft, which is customarily incidental to or carried on in a dwelling place or premises and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by an immediate member of the family residing within the dwelling place, provided, however, there shall be no structural alteration or changes in the dwelling, or on the premises and there is no display of merchandise on the premises which can be seen from the exterior of the dwelling, and any instruction shall be limited to one pupil at a time. Noise, odor, smoke, gases, fallout, vibration, heat, or glare resulting from the use shall not be of the intensity as to be detected outside of containing structure.

"HOSPITAL." An institution providing primary health services, and surgical care to persons, primarily in-patients suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities, such as laboratories, out-patient facilities, training facilities, medical offices, and staff residences.

"HOTEL." A commercial structure in which sleeping accommodations are provided and offered to transient visitors for compensation.

"JUNK YARD." Use of property for indoor or outdoor storage, sale, or resale of junk including scrap metal, rags, paper, or other scrap materials, used lumber, salvaged house wrecking, and structural steel, materials, and equipment, or for the dismantling, demolition, or abandonment of automobiles and boats or other vehicles or machinery or parts thereof.

"KENNELS." Private noncommercial dog pens that contain more than two dogs or commercial enterprises which provide food, shelter, and other services regardless of number of dogs. Kennels of a commercial measure are restricted to commercial districts and did not qualify as home occupations under the set requirements of this chapter.

"LOT." (LEGAL) A lot is a parcel of land of at least sufficient size to meet minimum zoning requirements and other applicable municipal regulations for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of:

- (1) A single legal lot of record.
- (2) A portion of a legal lot of record.
- (3) A combination of complete legal lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; or

- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter and/or other applicable municipal ordinances.

"LOT DEPTH." The mean arithmetic horizon distance between front and rear lot lines.

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

"LOT WIDTH." The arithmetic means horizontal distance between side lot lines.

"MOBILE/MANUFACTURED HOME." A dwelling unit that:

- (1) Is not constructed in accordance with the standards set forth in the North Carolina State Building Code for site-built homes, and
- (2) Is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis,
- (3) Exceeds forty (40) feet in length and eight (8) feet in width, and
- (4) Was constructed after July 1, 1976 and meets or exceeds HUD Construction Standards as they existed at time of manufacture.

A travel trailer is not to be considered as a mobile home.

"MOBILE HOME CLASS A." A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (1) The mobile home has a length not exceeding four (4) times its width.
- (2) The pitch of the mobile home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- (3) The exterior siding consists of wood, hardboard, aluminum or vinyl (that does not exceed the reflectivity of gloss white paint) comparable in composition, appearance and durability to the exterior siding commonly use in standard residential construction.
- (4) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home.
- (5) Stairs, porches, entrance platforms and other means of entrance and exit to the home shall be installed or constructed in accordance with the standard set by the North Carolina Department of Insurance; and
- (6) The moving hitch, wheels, and axles, and transporting lights have been removed.

"MOBILE HOME CLASS B." A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the Department of Housing and Urban Development that were in

effect at the time of construction but that does not satisfy all the criteria necessary to qualify the house as a Class A mobile home.

"MOBILE HOME, DOUBLE-WIDE." A mobile home consisting of two sections combined horizontally at the site while still retaining their individual chassis for possible future movement.

"MOBILE HOME PARK." Any place or tract of land maintained, offered, or used for the parking of at least ten or more mobile homes used or intended to be used for living or sleeping purposes. See mobile home parks regulations, §92.40.

"MODULAR." A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two or more sections transported to the site in a manner like a mobile home (except that the modular home meets the N.C. State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

"MOTEL." A commercial structure in which sleeping accommodations are provided or offered to transient visitors for compensation.

"MUSEUM." An institution devoted to the procurement, care, study, and display of objects of lasting interest or value; also: a place where objects are exhibited.

"NONCONFORMING USE." A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this chapter, or because of subsequent amendments to this chapter.

"NURSING HOME," "CONVALESCENT HOME," or "REST HOME." A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

"ONE MILE AREA." See "EXTRATERRITORIAL AREA." See "EXTRATERRITORIAL JURISDICTION."

"PRINCIPAL USE." The principal use for which a legal lot or the main structure thereon is designed, arranged or intended, and for which it is or may be used, occupied, or maintained.

"ROOMING HOUSE." See "BOARDING HOUSE."

"SERVICE STATION." A building on a legal lot dedicated to the rendering of automotive services such as the sale of gasoline, oil, grease, and accessories and the minor repair: of automobiles such as tune-ups, brake adjustments, and tire changes excluding body working, overhauling, and painting.

"SETBACK LINE." The line on the front, rear, and sides of a lot, set according to the zoning district regulations, which delineates the area on which a structure may be built and maintained.

"SHELTER, FALLOUT." A structure or portion of a structure intended to provide protection to human life during periods of danger to human life from nuclear fallout, air raids, storms, or other emergencies.

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

"SIGN." Any device designed to inform, or attract the attention of persons not on the premises on which the sign is located, not including:

- (1) Signs not exceeding two square feet in area and bearing only property numbers, post office box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
- (2) Flags and insignias of any government except were displayed in connection with commercial promotion;
- (3) Legal notices, identification, information, or directional signs erected or required by governmental bodies.
- (4) Integral decorative or architectural features of buildings, except letters, trademarks, moving lights, or moving parts; and
- (5) Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

"SIGN AREA." The entire face of a sign and all wall work including illuminating tubing incidental to its decoration, excluding architectural trim and structural embellishments. In the case of an open sign made up of individual letters, figures, or designs, the spaces between such letters, figures, or designs shall be included as part of the sign area. In computing sign area, only one side of a double-face sign structure shall be considered.

"SIGN AWNING." A sign structure supported by existing structural awning or building overhang, placed perpendicular to the street.

"SIGN, FREE-STANDING." A sign structure supported by poles, uprights or braces extending from or anchored into the ground but not attached to any part of the building.

"SIGN, PRINCIPAL USE." A sign which directs attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered exclusively on the premises on which the sign is located.

"SIGN, OUTDOOR ADVERTISING." Any sign, including a standard poster panel either free-standing or attached to a structure which directs attention to a business, commodity, service, entertainment, or other activity, conducted, sold, or offered elsewhere than on the premises on which said sign is located.

"SIGN, TEMPORARY." A sign permitted for a period not exceeding three (3) to six (6) months including for sale, for rent, construction company's name, subcontractors' names, and architect's names.

"SIGN WALL." A sign attached to, painted on, or erected against a wall or parapet wall of a building, structure, or fence whose display surface is parallel to the face of the building, structure, or fence.

"SITE SPECIFIC DEVELOPMENT PLAN." A plan for land development submitted to the Town for the purposes of obtaining one of the following zoning and/or land use permits or approvals:

- (1) Zoning Compliance Certificate;
- (2) Special Use Permit;

(3) Variance.

"SLEEPING UNIT." A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

"SPECIAL USE" A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgement and discretion to be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits or special exceptions.

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

"STRUCTURE." Anything constructed or erected with a fixed location on or in the ground or attached to something having more or less a fixed location on or in the ground. Among other things, structures include buildings, mobile homes, modular homes, walls, fences, signs, swimming pools, and fallout shelters.

"TOURIST HOME." A dwelling in which sleeping or eating accommodations are provided or offered to transient visitors for compensation. See "BOARDING HOUSE."

"TRAILER, HOUSE." See "MOBILE HOME."

"TRAILER PARK." See "MOBILE HOME PARK."

"TRAVEL TRAILER." A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet. A travel trailer is not a dwelling unit.

"VARIANCE." A variance is a written relaxation of the terms of the zoning code. A variance may be made where, owing to conditions peculiar to the property not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. Variances are granted in writing by the Board of Adjustment, which must adhere to certain rules and regulations as set forth in this chapter.

"VESTED RIGHTS." The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan, as set forth and further defined in G.S. 160D-102; 108; 108.1 and this ordinance.

"YARD." A required open space unoccupied and unobstructed by any structure or portion of a structure, from ground to sky, except as provided herein.

"YARD, FRONT." A required open space extending across the front of a lot measured from side lot line to side lot line and lying between the abutting street right-of-way and the front building setback line.

"YARD, REAR." A required open space extending across the rear of the lot measured from side lot line to side lot line and lying between the rear property line and the rear building setback line. A rear yard may be used for an accessory building provided no structures whether temporary or permanent are constructed within five feet of any property line.

"YARD, SIDE." A required open space extending along either side of a lot measured from front setback line to the rear setback line and lying between the side lot line and the side setback line.

"ZONING ADMINISTRATOR." The Winton Town Clerk shall be the Zoning Administrator for the Town of Winton, and is charged with the enforcement of the Town's Zoning Ordinance.

"ZONING COMPLIANCE CERTIFICATE." A certificate signed by the Town of Winton Town Clerk, or his/her designee, specifying zoning requirements and listing any other municipal regulations that may govern the use of the subject property.

§ 92.08 through § 92.14 **RESERVED FOR FUTURE USE.**

END OF ARTICLE I.

ARTICLE II. USE REQUIREMENTS BY DISTRICT

§ 92.15 CONFORMITY OF PERMITTED USES.

Within the use districts indicated on the zoning map, no building or land shall be used, and no building shall be, erected or altered which is intended or designed to be used in whole or in part, for any other than those listed as permitted for that district in this section. Furthermore, each permitted use shall conform to the dimensional requirements of the district in which it is located. Penalty, see §92.99

§ 92.16 R-15 SINGLE-FAMILY RESIDENTIAL DISTRICT.

The R-15 Residential District is established as a district in which the principal use of land is for single-family residences. The regulations of this district are intended to discourage any use which because of its character, would substantially interfere with the development of single-family residences in the district and which would be detrimental to the quiet residential nature of the areas included within this district.

(A) The following uses are permitted:

(1) Single-family residences excluding mobile/manufactured homes on individual lots, except that as of November 1, 2021, an existing mobile/manufactured home may be moved from one individual lot to another appropriately zoned individual lot (R-15 or R-9) in Town and an existing mobile/manufactured home may be replaced by a newer mobile/manufactured home, provided the moved and/or replaced mobile/manufactured home is underpinned with metal skirting, brick, or block.

(2) Public parks and picnic areas.

(3) Customary accessory buildings, including private garages and noncommercial greenhouses and workshops.

(4) Home occupation.

(5) Family care homes.

(6) Open Space.

(B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met:

(1) Churches and similar places of worship.

(2) Public and private schools.

(3) Golf course and associated uses such as a private clubhouse or lodge.

(4) Public buildings such as fire, police, and library facilities and community centers.

(5) Public works and public utility substations such as water tanks, pumping stations, treatment plants and electric, gas, oil pipeline, telephone substations provided that all

- (6) Planned Unit Developments (PUD) which meet the requirements of §92.26.
 - (7) Day Care Centers which meet the requirements of §92.41.
- (C) District requirements R-15.
- (1) Lot area, minimum required - 15,000 square feet.
 - (2) Lot width, minimum required - 100 feet.
 - (3) Front yard, minimum required - 25 feet.
 - (4) Side yard, minimum required - 10 feet. Side yard abutting street - 20 feet.
 - (5) Rear yard, minimum required - 30 feet.
 - (6) Building height. No building shall exceed 35 feet in height.
 - (7) Lot coverage. The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed 40% of the total lot area.
 - (8) Off-street parking. Off-street parking shall be provided as required in §92.35.
 - (9) Corner visibility. On a corner lot, within the area formed by the center lines of the intersecting streets and a line joining points on such center line~ at a distance of 80 feet from their intersection, there shall be no obstruction to vision. Between a height of three feet and a height of ten feet above the average center line grade of each street.
 - (10) Signs. Signs shall meet the requirements set forth in §92.37.

Penalty, see §92.99

§ 92.17 R-9 SINGLE-FAMILY RESIDENTIAL DISTRICT.

The R-9 Residential District is established as a district in which the principal use of land is for single-family residences. The regulations are intended to discourage any other uses, which because of their character/nature would interfere with the residential character/nature of this district.

- (A) The following uses are permitted: Any use permitted in the R-15 Residential District.
- (B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met:
 - (1) Churches, and similar places of worship.
 - (2) Public and private schools.
 - (3) Golf course and associated uses such as a clubhouse or lodge.
 - (4) Public buildings such as police, fire, and library facilities and community centers.

ARTICLE II. USE REQUIREMENTS BY DISTRICT

§ 92.15 CONFORMITY OF PERMITTED USES.

Within the use districts indicated on the zoning map, no building or land shall be used, and no building shall be, erected or altered which is intended or designed to be used in whole or in part, for any other than those listed as permitted for that district in this section. Furthermore, each permitted use shall conform to the dimensional requirements of the district in which it is located. Penalty, see §92.99

§ 92.16 R-15 SINGLE-FAMILY RESIDENTIAL DISTRICT.

The R-15 Residential District is established as a district in which the principal use of land is for single-family residences. The regulations of this district are intended to discourage any use which because of its character, would substantially interfere with the development of single-family residences in the district and which would be detrimental to the quiet residential nature of the areas included within this district.

(A) The following uses are permitted:

(1) Single-family residences excluding mobile/manufactured homes on individual lots, except that as of November 1, 2021, an existing mobile/manufactured home may be moved from one individual lot to another appropriately zoned individual lot (R-15 or R-9) in Town and an existing mobile/manufactured home may be replaced by a newer mobile/manufactured home, provided the moved and/or replaced mobile/manufactured home is underpinned with metal skirting, brick, or block.

(2) Public parks and picnic areas.

(3) Customary accessory buildings, including private garages and noncommercial greenhouses and workshops.

(4) Home occupation.

(5) Family care homes.

(6) Open Space.

(B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met:

(1) Churches and similar places of worship.

(2) Public and private schools.

(3) Golf course and associated uses such as a private clubhouse or lodge.

(4) Public buildings such as fire, police, and library facilities and community centers.

(5) Public works and public utility substations such as water tanks, pumping stations, treatment plants and electric, gas, oil pipeline, telephone substations provided that all

Upon Motion duly made, seconded and passed by a vote of _____ aye and _____ nay Section 92.16 (A)(1) of the Town of Winton Zoning Ordinance is hereby amended by replacing the period with a comma and adding the following phrase:

except that as of November 1, 2021 an existing mobile/manufactured home may be moved from one individual lot to another appropriately zoned individual lot (R-15 or R-9) in Town and an existing mobile/manufactured home may be replaced by a newer mobile/manufactured home, provided the moved and/or replaced mobile/manufactured home is underpinned with metal skirting, brick or block.

Adopted the 1st day of November, 2021, effective as of the date hereof.

Town of Winton

By: G. Evans Heath, Mayor

ATTEST:

Willetta Edwards, Acting Town Clerk

Passed Nov 2021

- (6) Planned Unit Developments (PUD) which meet the requirements of §92.26.
- (7) Day Care Centers which meet the requirements of §92.41.
- (C) District requirements R-15.
 - (1) Lot area, minimum required - 15,000 square feet.
 - (2) Lot width, minimum required - 100 feet.
 - (3) Front yard, minimum required - 25 feet.
 - (4) Side yard, minimum required - 10 feet. Side yard abutting street - 20 feet.
 - (5) Rear yard, minimum required - 30 feet.
 - (6) Building height. No building shall exceed 35 feet in height.
 - (7) Lot coverage. The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed 40% of the total lot area.
 - (8) Off-street parking. Off-street parking shall be provided as required in §92.35.
 - (9) Corner visibility. On a corner lot, within the area formed by the center lines of the intersecting streets and a line joining points on such center line~ at a distance of 80 feet from their intersection, there shall be no obstruction to vision. Between a height of three feet and a height of ten feet above the average center line grade of each street.
 - (10) Signs. Signs shall meet the requirements set forth in §92.37.

Penalty, see §92.99

§ 92.17 R-9 SINGLE-FAMILY RESIDENTIAL DISTRICT.

The R-9 Residential District is established as a district in which the principal use of land is for single-family residences. The regulations are intended to discourage any other uses, which because of their character/nature would interfere with the residential character/nature of this district.

- (A) The following uses are permitted: Any use permitted in the R-15 Residential District.
- (B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met:
 - (1) Churches, and similar places of worship.
 - (2) Public and private schools.
 - (3) Golf course and associated uses such as a clubhouse or lodge.
 - (4) Public buildings such as police, fire, and library facilities and community centers.

- (5) Public works and public utility substations such as water tanks, pumping stations, treatment plants and electric, gas, oil pipeline, telephone substations provided that all dangerous apparatus shall be enclosed by a chain-link fence at least six feet in height; no vehicles or materials shall be stored on the premises and no office shall be permitted; and that landscape is screened with shrubs and other vegetation so as to blend with the surrounding area.
- (6) Rest and convalescent homes.
- (7) Planned Unit Developments (PUD) which meet the requirements of §92.26.
- (8) ~~Day Care Centers which meet the requirements of §92.41.~~

(C) District requirements R-9.

- (1) Lot area, minimum lot required - 9,500 square feet.
- (2) Lot width, minimum required - 75 feet.
- (3) Front yard, minimum required - 25 feet.
- (4) Side yard, minimum required - 10 feet.
Side yard abutting street, minimum required - 20 feet.
- (5) Rear yard, minimum required - 25 feet.
- (6) Lot coverage. The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed 40% of the total lot area.
- (7) Off-street parking shall be provided as required in §92.35.
- (8) ~~Corner~~ visibility. On a corner lot, within the area formed by the center lines of the intersecting streets and line adjoining points on such center lines at a distance of 80 feet from their intersection, there shall be no obstruction to vision between a height of three feet and a height of ten feet above the average center line grade of each street.
- (9) Signs. Signs shall meet the requirements set forth in §92.37.

§ 92.18 R-5MH MOBILE HOME PARK RESIDENTIAL DISTRICT.

The R-5MH Residential District is established as a district in which the principal use of land is for single-family mobile homes in a mobile home park. All mobile homes subject to the Zoning Ordinance shall face a dedicated and accepted street and/or street meeting municipal requirements. The regulations of this district are intended to provide areas of the community for those persons desiring to live in a mobile home park.

- (A) The following uses are permitted:
 - (1) Modular/Stick-built homes.

- (2) Public and private schools.
 - (3) Golf course and associated uses such as a clubhouse or lodge.
 - (4) Public buildings such as police, fire, and library facilities and community centers.
 - (5) Public works and public utility substations such as water tanks, pumping stations, treatment plants and electric, gas, oil pipeline, telephone substations provided that all dangerous apparatus shall be enclosed by a chain-link fence at least six feet in height; no vehicles or materials shall be stored on the premises and no office shall be permitted; and that landscape is screened with shrubs and other vegetation so as to blend with the surrounding area.
 - (6) Rest and convalescent homes.
 - (7) Planned Unit Developments (PUD) which meet the requirements of §92.26.
 - (8) Day Care Centers which meet the requirements of §92.41.
- (C) District requirements R-9.
- (1) Lot area, minimum lot required - 9,500 square feet.
 - (2) Lot width, minimum required - 75 feet.
 - (3) Front yard, minimum required - 25 feet.
 - (4) Side yard, minimum required - 10 feet.
Side yard abutting street, minimum required - 20 feet.
 - (5) Rear yard, minimum required - 25 feet.
 - (6) Lot coverage. The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed 40% of the total lot area.
 - (7) Off-street parking shall be provided as required in §92.35.
 - (8) Corner visibility. On a corner lot, within the area formed by the center lines of the intersecting streets and line adjoining points on such center lines at a distance of 80 feet from their intersection, there shall be no obstruction to vision between a height of three feet and a height of ten feet above the average center line grade of each street.
 - (9) Signs. Signs shall meet the requirements set forth in §92.37.

§ 92.18 R-5MH MOBILE HOME PARK RESIDENTIAL DISTRICT.

The R-5MH Residential District is established as a district in which the principal use of land is for single-family mobile homes in a mobile home park. All mobile homes subject to the Zoning Ordinance shall face a dedicated and accepted street and/or street meeting municipal requirements. The regulations of this

district are intended to provide areas of the community for those persons desiring to live in a mobile home park.

- (A) The following uses are permitted:
 - (1) Modular/Stick-built homes.
 - (2) Public parks and picnic areas.
 - (3) Accessory uses provided they are in association with the primary or limited use within the same development to include: Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft room, exercise and dance studios, community meeting rooms, and lounges.
 - (4) Open Space.
- (B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met:
 - (1) Mobile home park subject to §92.39 and §92.40.
 - (2) Public buildings such as police, fire, and library facilities and community centers.
 - (3) Public works and public utility substations such as water tanks, pumping stations, treatment plants and electric, gas, oil pipeline, telephone substations provided that all dangerous apparatus shall be enclosed by a chain-link fence at least six feet in height; no vehicles or materials shall be stored on the premises and no office shall be permitted.
 - (4) Churches.
 - (5) Home occupation.
- (C) District requirements R-5MH.
 - (1) Lot area, minimum required- 7,500 square feet for each unit.
 - (2) Lot width, minimum required - 100 feet.
 - (3) Front yard, minimum required - 25 feet.
 - (4) Side yard, minimum required for one or two story- 10 feet.
Five additional feet shall be added to each yard for each full story of building height in excess of two stories.
Side yard abutting street - 20 feet.
 - (5) Rear yard, Minimum required - 25 feet.
 - (6) Lot coverage. The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed 40% of the total lot area.
 - (7) Off-street parking shall be provided as required in §92.35.

- (8) Comer visibility. On a comer lot, within the area formed by the center lines of the intersecting streets and a line joining points on such center lines at a distance of 80 feet from their intersection, there shall be no obstruction to vision between a height of three feet and a height of ten feet above the average center line grade of each street.
- (9) Signs shall meet the requirements set forth in §92-37.
- (10) Building height. No building shall exceed thirty-five (35) feet in height.

Penalty, see §92-99

§ 92.19 R-3MF MULTI-FAMILY RESIDENTIAL DISTRICT.

The R-3MF Residential District is established as a district in which the principal use of land is for single-family, two-family, and multi-family residences. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multi-family structures in relatively high-density neighborhoods. The regulations are intended to discourage any use, which because of its character would interfere with the residential nature of this district.

- (A) The following uses are permitted:
 - (1) Any use permitted in the R-15 Residential District, including modular but excluding mobile/manufactured homes on individual lots.
 - (2) Two-family and multi-family developments.
 - (3) Tourist homes and guest houses.
 - (4) Family care homes.
 - (5) Open Space.
- (B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of S§92.50 through 92.53 have been met. Any special use permitted in the R-9 Single-Family Residential District.
- (C) District requirements R-3MF.
 - (1) Lot area, minimum required for single-family dwelling - 9,500 square feet. Unit, minimum required for each multi-family unit - 4,500 square feet.
 - (2) Lot width, minimum required - 100 feet.
 - (3) Front yard, minimum required - 25 feet.
 - (4) Side yard, minimum required for one or two story - 10 feet.
Five additional feet shall be added to each side yard for each full story of building height in excess of two stories.
Side yard abutting street - 20 feet.

- (8) Comer visibility. On a comer lot, within the area formed by the center lines of the intersecting streets and a line joining points on such center lines at a distance of 80 feet from their intersection, there shall be no obstruction to vision between a height of three feet and a height of ten feet above the average center line grade of each street.
- (9) Signs shall meet the requirements set forth in §92-37.
- (10) Building height. No building shall exceed thirty-five (35) feet in height.

Penalty, see §92-99

§ 92.19 R-3MF MULTI-FAMILY RESIDENTIAL DISTRICT.

The R-3MF Residential District is established as a district in which the principal use of land is for single-family, two-family, and multi-family residences. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multi-family structures in relatively high-density neighborhoods. The regulations are intended to discourage any use, which because of its character would interfere with the residential nature of this district.

- (A) The following uses are permitted:
 - (1) Any use permitted in the R-15 Residential District, including modular but excluding mobile/manufactured homes on individual lots.
 - (2) Two-family and multi-family developments.
 - (3) Tourist homes and guest houses.
 - (4) Family care homes.
 - (5) Open Space.
- (B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of S§92.50 through 92.53 have been met. Any special use permitted in the R-9 Single-Family Residential District.
- (C) District requirements R-3MF.
 - (1) Lot area, minimum required for single-family dwelling - 9,500 square feet. Unit, minimum required for each multi-family unit - 4,500 square feet.
 - (2) Lot width, minimum required - 100 feet.
 - (3) Front yard, minimum required - 25 feet.
 - (4) Side yard, minimum required for one or two story - 10 feet.
Five additional feet shall be added to each side yard for each full story of building height in excess of two stories.
Side yard abutting street - 20 feet.

- (5) Rear yard, minimum required - 25 feet.
- (6) Lot coverage. The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed 40% of the total lot area.
- (7) Off-street parking shall be provided as required in §92.35.
- (8) Corner visibility. On a corner lot, within the area formed by the center lines of the intersecting streets and a line joining points on such center lines at a distance of eighty feet (80') from their intersection, there shall be no obstruction to vision between a height of three feet (3 ') and a height of ten feet (10 ') above the average center line grade of each street.
- (9) Signs shall meet the requirements set forth in §92.37.
- (10) Building height. No building shall exceed thirty-five feet (35 ') in height.

Penalty, see §92.99

§ 92.20 0-I OFFICE AND INSTITUTIONAL DISTRICT.

- (A) The 0-I Office and Institutional District is established as a district primarily for institutional uses, office uses, and commercial activities having only limited contact with the general public, not involving the sale of merchandise at retail except incidentally. The regulations of this district are intended to encourage structures surrounded with ample open spaces including that for yards and for off-street parking and loading of vehicles.
 - (1) All uses permitted in the R-9 Residential District, provided however, that any and all residential uses permitted in this district shall be on the second floor and any proposed residential use on the first floor shall be by special use permit only.
 - (2) Agencies rendering specialized services, including but not limited to real estate, insurance, advertising, brokerage, stenographic, telephone answering, and similar services.
 - (3) Offices rendering professional services, including but not limited to legal, medical, dental, engineering, architectural, and similar institutions.
 - (4) Hospitals, nursing homes, convalescent homes, rest homes, charitable institutions, medical clinics, and dental clinics.
 - (5) Churches and related uses, public and private schools, libraries, museums, and art galleries, parks, playgrounds, community centers, civic, fraternal uses.
 - (6) Municipal, county, state, and federal offices and buildings not involving the outdoor storage of equipment or materials.
 - (7) Banks and other licensed financial institutions.
 - (8) Studios for artists, designers, photographers, and other similar activities.

- (5) Rear yard, minimum required - 25 feet.
- (6) Lot coverage. The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed 40% of the total lot area.
- (7) Off-street parking shall be provided as required in §92.35.
- (8) Corner visibility. On a corner lot, within the area formed by the center lines of the intersecting streets and a line joining points on such center lines at a distance of eighty feet (80') from their intersection, there shall be no obstruction to vision between a height of three feet (3 ') and a height of ten feet (10 ') above the average center line grade of each street.
- (9) Signs shall meet the requirements set forth in §92.37.
- (10) Building height. No building shall exceed thirty-five feet (35 ') in height.

Penalty, see §92.99

§ 92.20 0-I OFFICE AND INSTITUTIONAL DISTRICT.

- (A) The 0-I Office and Institutional District is established as a district primarily for institutional uses, office uses, and commercial activities having only limited contact with the general public, not involving the sale of merchandise at retail except incidentally. The regulations of this district are intended to encourage structures surrounded with ample open spaces including that for yards and for off-street parking and loading of vehicles.
 - (1) All uses permitted in the R-9 Residential District, provided however, that any and all residential uses permitted in this district shall be on the second floor and any proposed residential use on the first floor shall be by special use permit only.
 - (2) Agencies rendering specialized services, including but not limited to real estate, insurance, advertising, brokerage, stenographic, telephone answering, and similar services.
 - (3) Offices rendering professional services, including but not limited to legal, medical, dental, engineering, architectural, and similar institutions.
 - (4) Hospitals, nursing homes, convalescent homes, rest homes, charitable institutions, medical clinics, and dental clinics.
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 - (6) Municipal, county, state, and federal offices and buildings not involving the outdoor storage of equipment or materials.
 - (7) Banks and other licensed financial institutions.
 - (8) Studios for artists, designers, photographers, and other similar activities.

- (9) Parking lots.
- (B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met:
 - (1) Funeral homes, undertaking establishments and embalming provided there be adequate off-street parking.
 - (2) Hotels, motels, and motor courts provided that all buildings be located not less than 100 feet from a public right-of-way.
 - (3) Day Care Centers which meet the requirements of §92.41.
- (C) District requirements 0-I.
 - (1) All residential lots shall meet the dimensional requirements of the R-9 Residential District.
 - (2) All office and institutional uses shall comply with the dimensional requirements of the B-2 Commercial District.

§ 92.21 B-1 GENERAL BUSINESS DISTRICT.

The regulations for this district are designed to permit a concentrated development of permitted facilities within the central portion of the town with emphasis on large scale stores and specialty shops serving a regional retail trading area.

- (A) The following uses are permitted:
 - (1) Retail stores: groceries, furniture, appliances, electrical and plumbing fixtures, wallpaper and paint, upholstery, antiques, automobiles, bicycles, motorcycles, farm machinery, radio and television, seed and feed, notions, dry goods, shoes, clothing, jewelry, leather goods, gifts, books, flowers, cameras, toys, sporting goods, paint, pets, musical instruments, hobby and craft goods, drugs, magazines, and candy.
 - (2) Business, financial, governmental, medical, and professional offices and agencies.
 - (3) Banks, credit unions, cab stands, pool halls, radio and television broadcasting studios, barber and beauty shops, shoe repair, dry cleaning and laundry, fire and police stations, radio and television repair, and printing.
 - (4) Open Space.
- (B) The following are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met.
 - (1) Service stations shall have a minimum lot area of 7,000 square feet with a frontage of not less than 100 feet, with commensurate on-site parking. No portion of a service station building, or equipment shall be nearer than 25 feet to the front property line. All automobile repair or storage shall be performed inside a structure.

- (9) Parking lots.
- (B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met:
 - (1) Funeral homes, undertaking establishments and embalming provided there be adequate off-street parking.
 - (2) Hotels, motels, and motor courts provided that all buildings be located not less than 100 feet from a public right-of-way.
 - (3) Day Care Centers which meet the requirements of §92.41.
- (C) District requirements 0-I.
 - (1) All residential lots shall meet the dimensional requirements of the R-9 Residential District.
 - (2) All office and institutional uses shall comply with the dimensional requirements of the B-2 Commercial District.

§ 92.21 B-1 GENERAL BUSINESS DISTRICT.

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 - (1) Retail stores: groceries, furniture, appliances, electrical and plumbing fixtures, wallpaper and paint, upholstery, antiques, automobiles, bicycles, motorcycles, farm machinery, radio and television, seed and feed, notions, dry goods, shoes, clothing, jewelry, leather goods, gifts, books, flowers, cameras, toys, sporting goods, paint, pets, musical instruments, hobby and craft goods, drugs, magazines, and candy.
 - (2) Business, financial, governmental, medical, and professional offices and agencies.
 - (3) Banks, credit unions, cab stands, pool halls, radio and television broadcasting studios, barber and beauty shops, shoe repair, dry cleaning and laundry, fire and police stations, radio and television repair, and printing.
 - (4) Open Space.
- (B) The following are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met.
 - (1) Service stations shall have a minimum lot area of 7,000 square feet with a frontage of not less than 100 feet, with commensurate on-site parking. No portion of a service station building, or equipment shall be nearer than 25 feet to the front property line. All automobile repair or storage shall be performed inside a structure.

- (2) Storage of LP gas below and above ground.
 - (3) Automobile carwash shall have commensurate on-site parking and lot size requirements.
 - (4) Bus stations, train stations, parking lots, hotels, motels, theatres, bowling alleys, restaurants, cafeterias, and libraries.
 - (5) Shopping centers, convenience stores, and museums.
 - (6) Day Care Centers which meet the requirements of §92.41.
- (C) Dimensional requirements.
- (1) No yards are required except that of the rear of the lot abuts a residential district there shall be a minimum of a twenty-foot (20') rear yard, appropriately screened and landscaped, and if the side yards are provided, they must be at least ten feet (10') in width.
 - (2) Buildings constructed or converted to commercial use after the effective date of this chapter shall provide adequate off-street parking as required in §92.35, and off-street loading berths as required in §92.36.
 - (3) All signs must meet the requirements set forth in §92.37. **NOTE: On-site and off-site billboards have been specifically eliminated.**
 - (4) Every building hereafter erected or structurally altered to exceed fifty feet (50') in height shall be set back from the front lot line on a ratio of one foot for each two feet (2') rise above fifty feet (50') in height.

Penalty, see §92.99

§ 92.22 B-2 HIGHWAY BUSINESS DISTRICT.

These commercial districts are generally located on the major radial highways into the town and provide offices, personal services, and retailing of durable and convenience goods for the community. Because these commercial uses are subject to the public view, which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement, and suitable landscaping, including adequate buffers on sides adjacent to residential uses.

- (A) The following uses are permitted.
- (1) Retail Stores: groceries, drugs, notions, fish, meat, antiques, hardware, upholstery, paints, furniture, appliances, radio and television, automobiles, bicycles, motorcycles, farm equipment, paint and wallpaper, electrical and plumbing fixtures, nursery stock and supplies.
 - (2) Barber and beauty shops, shoe repair, laundry and dry cleaning, restaurants, service stations, parking lots, radio and television repair, radio and television broadcasting stations, offices, and signs.
 - (3) Storage of LP gas below and above ground.

- (2) Storage of LP gas below and above ground.
 - (3) Automobile carwash shall have commensurate on-site parking and lot size requirements.
 - (4) Bus stations, train stations, parking lots, hotels, motels, theatres, bowling alleys, restaurants, cafeterias, and libraries.
 - (5) Shopping centers, convenience stores, and museums.
 - (6) Day Care Centers which meet the requirements of §92.41.
- (C) Dimensional requirements.
- (1) No yards are required except that of the rear of the lot abuts a residential district there shall be a minimum of a twenty-foot (20') rear yard, appropriately screened and landscaped, and if the side yards are provided, they must be at least ten feet (10') in width.
 - (2) Buildings constructed or converted to commercial use after the effective date of this chapter shall provide adequate off-street parking as required in §92.35, and off-street loading berths as required in §92.36.
 - (3) All signs must meet the requirements set forth in §92.37. **NOTE: On-site and off-site billboards have been specifically eliminated.**
 - (4) Every building hereafter erected or structurally altered to exceed fifty feet (50') in height shall be set back from the front lot line on a ratio of one foot for each two feet (2') rise above fifty feet (50') in height.

Penalty, see §92.99

§ 92.22 B-2 HIGHWAY BUSINESS DISTRICT.

These commercial districts are generally located on the major radial highways into the town and provide offices, personal services, and retailing of durable and convenience goods for the community. Because these commercial uses are subject to the public view, which is a matter of important concern to the whole community, they should provide an appropriate appearance, ample parking, controlled traffic movement, and suitable landscaping, including adequate buffers on sides adjacent to residential uses.

- (A) The following uses are permitted.
- (1) Retail Stores: groceries, drugs, notions, fish, meat, antiques, hardware, upholstery, paints, furniture, appliances, radio and television, automobiles, bicycles, motorcycles, farm equipment, paint and wallpaper, electrical and plumbing fixtures, nursery stock and supplies.
 - (2) Barber and beauty shops, shoe repair, laundry and dry cleaning, restaurants, service stations, parking lots, radio and television repair, radio and television broadcasting stations, offices, and signs.
 - (3) Storage of LP gas below and above ground.

- (B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 have been met.
- (1) Repair and storage of automobiles, trucks, and agricultural implements shall be permitted provided all repair is performed inside a building, and that all parking or storage of vehicles is provided off the public right-of-way and at least fifteen feet (15') to the rear of the front property line. (Not including auto salvage or junkyards.)
 - (2) Animal hospitals shall have a minimum area of one (1) acre with a street frontage of not less than three hundred feet (300'). No animal storage shall be allowed within one hundred feet (100') of any residential use as measured from any point on any property line.
 - (3) Hotel, motels, banks, credit unions, tourist homes, funeral homes, and drive-ins dispensing foods.
 - (4) Healthcare facilities, hospitals.
 - (5) Day Care Centers which meet the requirements of §92.41.
- (C) District requirements B-2.
- (1) Lot width, minimum required - 75 feet.
 - (2) Lot depth, minimum required - 120 feet.
 - (3) Front yard, minimum required from street right-of-way - 40 feet.
The front yard shall be the yard adjoining the major street. The first five feet from the property line shall be developed for sidewalk, grass and plants, and shall not be used for any purpose except for the necessary drives and walks and shall not include off-street parking.
 - (4) Side yard, minimum required - 10 feet.
 - (5) Rear yard, minimum required - 20 feet.
 - (6) Lot coverage. The total ground area covered by the principal building and all accessory buildings including any roofed area shall not exceed 50% of the total lot area.
 - (7) Building height. Every building hereafter erected or structurally altered to exceed 50% in height shall be set back from the front property line on a ratio of one foot for each two feet rise above 50 feet in height.
 - (8) Off-street parking space shall be provided as required in §92.35.
 - (9) Off-street loading and unloading space shall be provided as required in §92.36.
 - (10) Signs shall meet the requirements set forth in §92.37.

Penalty, see §92.99

§ 92.23 I-L LIGHT INDUSTRIAL DISTRICT.

The I-L Industrial District is established as a district in which the principal use of land is for industries which can be operated in a relatively environmentally safe, clean and quiet manner and which will not be obnoxious to proximate residential or business districts.

The regulations are designed to prohibit the use of land for heavy industry, which should be properly segregated and to prohibit any other use, which would substantially interfere with the development of industrial establishments in the district.

(A) The following uses are permitted:

- (1) Animal hospitals, assembly of farm products such as granaries and storage bins, but not fertilizer or tallow plants, automobile sales and service, bag manufacture, bakery plants, billboards and signs, boat manufacture, bottling works, building materials storage and sale, bus garages, cabinet making, carpenter's shop, cemeteries, circuses, carnivals, fairs, sideshows, coal yards, cold storage plant, contractor's plant or storage yard, dairy products processing.
- (2) Dry cleaning and laundry plants, electrical and industrial equipment repair and servicing but not railroad equipment, farms, farm machinery assembly repair and sales, fertilizer storage and sales, food processing in wholesale quantity except: meat, fish, poultry, vinegar and yeast, grain elevators, greenhouses and nurseries, grounds and facilities for open air games or sports, ice plant, industrial research and educational facilities, laboratories for research and testing, leather goods manufacture, lumber yards, off-street parking facilities, optical and scientific instruments, jewelry and clocks, musical instrument manufacture, pharmaceutical products manufacture, printing, publishing and reproduction establishments, camper and mobile home manufacture and sales.
- (3) Public utilities, repair and servicing of office and household equipment, service stations, sheet metal shops, shirt manufacture, sign manufacture, painting and maintenance, stonecutting, monument manufacture and sales, storage warehouses and yards, tinsmith shops, tire recapping and retreading, venetian blind manufacture, contractor and cleaning shop, warehouses, welding shops, wholesale and jobbing establishments including incidental retail outlets for only such merchandise as is handled for wholesale, woodworking shops, millwork.

(B) The following uses are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 will be met medical clinics, herein defined under health care facility.

(C) District requirements I-L.

- (1) No building shall be less than 40 feet from the street right-of-way line. No other yards are required, except where the rear of a lot abuts a residential district and 0-I, there shall be a twenty-five foot (25') rear yard appropriately buffered with screening, and where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than the minimum required in the district on which it abuts. In cases where a side yard, not required, is provided, it shall be at least five feet (5') in width.
- (2) Off-street parking shall be provided as required in §92.35.

- (3) Off-street loading and unloading space provided as required in §92.36.
- (4) Signs shall meet the requirement set forth in §92.37.

Penalty, see §92.99

§ 92.24 I-H HEAVY INDUSTRIAL DISTRICT.

The I-H Industrial District is established as a district in which the principal use of land is for heavy industries that by their nature may create some nuisance and which are not properly associated with nor compatible with residential, commercial, and service establishments.

- (A) The following uses are permitted:
 - (1) Any use permitted in the I-L Industrial District, airports and landing fields, blacksmith's shop, cooperage works, enameling, lacquering, or the plating or galvanizing metals, fertilizer manufacture, foundries producing iron and steel products, hatcheries, industrial equipment machinery repair and servicing.
 - (2) Industrial chemical manufacture, junk yards, machine tool manufacture, meat packing plants, metal fabrication plants using plate and structural shapes and including boiler or tank works, mixing plants for concrete, or paving materials and manufacture of concrete products, oxygen manufacture or storage, paper, pulp, cardboard, and building board manufacture, pottery, porcelain, and vitreous china.
 - (3) Poultry dressing for wholesale, rag, bag, and carpet cleaning establishments, railroad freight yard, terminals or classification yards, railroad car repair and manufacture, soap, detergent and washing compound manufacture, textile manufacture, tobacco products manufacture, tobacco stemming and re-drying plants, 2-11 tobacco warehouses, truck terminals, repair shops, hauling and storage yards.
- (B) The following are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 will be met:
 - (1) Automobile wrecking yards and similar types of used materials industries when conducted within a structure or on a lot enclosed by a solid fence at least six feet in height, provided such fence shall not be less than fifty feet (50') from any street right-of-way line and provided further that the Board of Adjustment finds that such a wrecking yard or industry will not have an injurious effect on the public interest or welfare.
 - (2) Wholesale storage of gasoline or bulk terminal plants for any flammable gases or liquids, provided that no storage takes place closer than twenty-five feet (25') to any boundary line of the lot on which said storage is located.
- (C) District requirements I-H.
 - (1) No building shall be less than 40 feet from the street right-of-way line. No other yards are required, except where the rear of a lot abuts a residential district or O and I, there shall be a twenty-five-foot (25') rear yard and where a lot abuts on the side of a lot zoned

- (3) Off-street loading and unloading space provided as required in §92.36.
- (4) Signs shall meet the requirement set forth in §92.37.

Penalty, see §92.99

§ 92.24 I-H HEAVY INDUSTRIAL DISTRICT.

The I-H Industrial District is established as a district in which the principal use of land is for heavy industries that by their nature may create some nuisance and which are not properly associated with nor compatible with residential, commercial, and service establishments.

(A) The following uses are permitted:

- (1) Any use permitted in the I-L Industrial District, airports and landing fields, blacksmith's shop, cooperage works, enameling, lacquering, or the plating or galvanizing metals, fertilizer manufacture, foundries producing iron and steel products, hatcheries, industrial equipment machinery repair and servicing.
- (2) Industrial chemical manufacture, junk yards, machine tool manufacture, meat packing plants, metal fabrication plants using plate and structural shapes and including boiler or tank works, mixing plants for concrete, or paving materials and manufacture of concrete products, oxygen manufacture or storage, paper, pulp, cardboard, and building board manufacture, pottery, porcelain, and vitreous china.
- (3) Poultry dressing for wholesale, rag, bag, and carpet cleaning establishments, railroad freight yard, terminals or classification yards, railroad car repair and manufacture, soap, detergent and washing compound manufacture, textile manufacture, tobacco products manufacture, tobacco stemming and re-drying plants, 2-11 tobacco warehouses, truck terminals, repair shops, hauling and storage yards.

(B) The following are special uses and may be permitted subject to a finding by the Town Board that the additional conditions of §92.50 through §92.53 will be met:

- (1) Automobile wrecking yards and similar types of used materials industries when conducted within a structure or on a lot enclosed by a solid fence at least six feet in height, provided such fence shall not be less than fifty feet (50') from any street right-of-way line and provided further that the Board of Adjustment finds that such a wrecking yard or industry will not have an injurious effect on the public interest or welfare.
- (2) Wholesale storage of gasoline or bulk terminal plants for any flammable gases or liquids, provided that no storage takes place closer than twenty-five feet (25') to any boundary line of the lot on which said storage is located.

(C) District requirements I-H.

- (1) No building shall be less than 40 feet from the street right-of-way line. No other yards are required, except where the rear of a lot abuts a residential district or O and I, there shall be a twenty-five-foot (25') rear yard and where a lot abuts on the side of a lot zoned

residential, there shall be a side yard at least fifteen feet (15 ') in width. In cases where a side yard, not required, is provided, it shall be at least five feet (5') in width.

- (2) Off-street parking shall be provided as required in §92.35.
- (3) Off-street loading and unloading space shall be provided as required in §92.36.
- (4) Signs shall meet the requirement set forth in §92.37.

Penalty, see §92.99

§ 92.25 AEC AREAS OF ENVIRONMENTAL CONCERN DISTRICT.

- (A) The AEC District shall be an additional designation to any of the zoning districts of this chapter. The portion of any District to which the ABC District shall apply shall be delineated on the AEC overlay map (which becomes part of the official zoning map maintained by the town).
- (B) In the AEC of public trust waters, the public has rights including navigation and recreation. In addition, these areas support valuable commercial and sports fisheries, have aesthetic value, and are important resources for economic development. By establishing this special ABC District, the town intends to protect public rights for navigation and recreation and to preserve and manage the public trust areas to safeguard and perpetuate their biological, economic, and aesthetic value.
 - (1) The following uses are permitted: conservation and recreational uses.
 - (2) The following uses are special uses and may be permitted, subject to a finding by the Town Board that the additional conditions stated in 15NCAC7H, Sections .0207 and .0208 will be met:
 - (a) Utility easements, docks, dredging, bridges and bridge approaches, bulkheads, culverts, groins, simple access channels, and drainage ditches.
 - (b) Determination of whether those conditions are met shall be in communication with the appropriate CAMA permit officer.
 - (3) District requirements AEC.
 - (a) According to the Land Use Plan, certified by the Coastal Resources Commission, the Chowan River is designated as a public trust water ABC and classified as conservation on the land classification map (see Land Use Plan). As such, the ABC District consists of the AEC itself (including surface waters) and a buffer area extending to a point 75 feet from the mean high-water mark.
 - (b) All adjacent projects (land uses), proposals, a design shall provide a 75 foot buffer yard which adequately protects the ABC from increased erosion, pollution, or other infringement upon the public rights.
 - (c) All development projects shall comply with the following mandatory standards of the North Carolina Sedimentation Pollution Control Act of 1973:

residential, there shall be a side yard at least fifteen feet (15 ') in width. In cases where a side yard, not required, is provided, it shall be at least five feet (5') in width.

- (2) Off-street parking shall be provided as required in §92.35.
- (3) Off-street loading and unloading space shall be provided as required in §92.36.
- (4) Signs shall meet the requirement set forth in §92.37.

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 - (a) Utility easements, docks, dredging, bridges and bridge approaches, bulkheads, culverts, groins, simple access channels, and drainage ditches.
 - (b) Determination of whether those conditions are met shall be in communication with the appropriate CAMA permit officer.
 - (3) District requirements AEC.
 - (a) According to the Land Use Plan, certified by the Coastal Resources Commission, the Chowan River is designated as a public trust water ABC and classified as conservation on the land classification map (see Land Use Plan). As such, the ABC District consists of the AEC itself (including surface waters) and a buffer area extending to a point 75 feet from the mean high-water mark.
 - (b) All adjacent projects (land uses), proposals, a design shall provide a 75 foot buffer yard which adequately protects the ABC from increased erosion, pollution, or other infringement upon the public rights.
 - (c) All development projects shall comply with the following mandatory standards of the North Carolina Sedimentation Pollution Control Act of 1973:

1. No development project shall permit an angle for graded slopes, or fill, which is greater than an angle which can be retained as vegetative cover or other adequate erosion-control devices or structures.
2. All development projects, which involve uncovering more than one acre of land, shall plant a ground cover sufficient to restrain erosion within 30 working days of completion of the grading.

Penalty, see §92.99

§ 92.26 PUD - PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT.

(A) The purpose of the Planned Unit Development Overlay District is:

- (1) To allow flexibility that will encourage a more creative approach in the development of land, and will result in a more efficient, aesthetic, and desirable use of open area, while substantially maintaining the same population density and area coverage permitted in the district in which the project is located.
- (2) To allow flexibility in design, placement of buildings, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the potentials of sites characterized by special features of geography, topography, size, and shape.
- (3) To allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development.

(B) The following uses are permitted:

- (1) Residential uses.
- (2) Recreational facilities including but not limited to tennis courts, swimming pools, and playgrounds.
- (3) Open space uses.
- (4) Schools, libraries, community halls, and churches.
- (5) Convenience establishments of a commercial, and service nature, including stores, laundry, and dry-cleaning agencies and establishments, beauty shops, barber shops, and the like (but specifically excluding gas stations, repair garages, and drive-in eating and drinking establishments).
- (6) Offices, buildings, and facilities required for the operation, administration, and maintenance of any Planned Unit Development and for recreation purposes such as golf courses, recreation rooms, and vehicle storage areas.

(C) Development requirements. In considering a proposed Planned Unit Development project, the approval thereof may involve modifications in the regulations, requirements, and standards of the zoning district in which the project is located. The following regulations, requirements, and standards shall apply:

1. No development project shall permit an angle for graded slopes, or fill, which is greater than an angle which can be retained as vegetative cover or other adequate erosion-control devices or structures.
2. All development projects, which involve uncovering more than one acre of land, shall plant a ground cover sufficient to restrain erosion within 30 working days of completion of the grading.

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- (3) To allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development.

(B) The following uses are permitted:

- (1) Residential uses.
- (2) Recreational facilities including but not limited to tennis courts, swimming pools, and playgrounds.
- (3) Open space uses.
- (4) Schools, libraries, community halls, and churches.
- (5) Convenience establishments of a commercial, and service nature, including stores, laundry, and dry-cleaning agencies and establishments, beauty shops, barber shops, and the like (but specifically excluding gas stations, repair garages, and drive-in eating and drinking establishments).
- (6) Offices, buildings, and facilities required for the operation, administration, and maintenance of any Planned Unit Development and for recreation purposes such as golf courses, recreation rooms, and vehicle storage areas.

(C) Development requirements. In considering a proposed Planned Unit Development project, the approval thereof may involve modifications in the regulations, requirements, and standards of the zoning district in which the project is located. The following regulations, requirements, and standards shall apply:

- (1) Site adaptation. To the maximum extent possible, the plan and design of the development shall assure that natural or unique features of the land and environment are preserved.
- (2) Lot arrangement. All lots within the development shall be designed and arranged to have direct access to or frontage on open space or recreation areas.
- (3) Density of development. Residential density shall be the same required for the subject zoning district.
- (4) Amount of open space. The required amount of open space or outdoor recreational area shall be at least 20% of the gross area. Such open space should include school access routes, bicycle trails, natural or landscaped buffer areas, and the like whenever practical or appropriate.
- (5) Structure setback provisions. Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject zoning district. All detached structures shall maintain a minimum side yard setback of three feet (3') or meet the North Carolina Building Code requirement for firewalls. A minimum front yard setback of twenty feet (20') shall be required for, any garage structure whose opening faces onto a public road.
- (6) Individual lot street frontage. No individual lot street frontage is required when such lots are shown to have adequate access in a manner that is consistent with the purposes and objectives of this section.
- (7) Circulation.
 - (a) Access. Planned Unit Developments shall be appropriately located with respect to major streets and highways or other transportation facilities so as to provide direct access, without creating traffic along minor streets in residential areas. Entrances and exits for automotive vehicles shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to pedestrians, passing traffic, or to traffic entering and leaving the development. In no case shall streets within a Planned Unit Development connect to streets outside the Planned Unit Development in such a way as to encourage use of minor streets for through traffic.
 - (b) Internal. Roads, pedestrian, and bikeway paths shall be integrated system designed to provide efficient safe circulation to all uses. Developments should be designed to minimize the length of roadway.
 - (c) Siting of roadway and parking areas. Siting of roadways and parking areas shall be consistent with the character of the-site and avoiding excessive cuts and fills.
 - (d) Planned Unit Development parking standards. The following shall be the minimum off-street parking requirements for dwelling units and permitted commercial uses in a residential Planned Unit Development.
 1. Parking requirements for residential and commercial use shall be the same as required under §92.35.

2. Off-street parking may be provided on each lot or clustered run parking pods in proximity to the dwelling units they serve.
- (8) Utilities. In addition to other requirements set forth herein, the following shall apply:
 - (a) All utilities shall be approved by the appropriate agencies.
 - (b) All sewer and water provisions shall be approved by the appropriate agencies before the plans are approved by the Board.
 - (c) All utility services shall be placed underground.
 - (d) Provisions shall be made for fire prevention, including service waterlines, non-freeze hydrants, and free emergency access for fire-fighting equipment around building.
 - (e) Provision shall be made for control of site storm water drainage.
 - (9) Homes association. A nonprofit incorporated homes association or an alternative acceptable to the town shall be required if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including open space, streets, drives, service and parking areas, recreation areas, and storage. The following principles shall be observed in the formation of any home association and shall be reviewed by the Town Counsel's office:
 - (a) A homes association shall be set up before approval of the final plat, or any portion thereof.
 - (b) Membership shall be mandatory for each homebuyer and any successive buyer.
 - (c) The open space restrictions shall be perpetuity.
 - (d) The homes association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
 - (e) Home owners shall pay their pro rata share of cost, or the assessment levied by the association shall become a lien on the property.
 - (f) The association shall be able to adjust the assessment to meet changes needed.
 - (g) No change in open space use or dissolution of homes association shall occur without a public hearing before the Board.
 - (10) An alternative to a home's association may be deed restrictions or conservation easements, when the town determines such will protect the intent and purpose of this chapter and be in the public's interest.
- (D) Procedure for approval of a Planned Unit Development.
- (1) Planned Unit Development subdivisions proposing only residential dwelling units:

- (a) Shall follow the procedure and submission of plans as required by the Subdivision Regulations for the Town of Winton, as amended, and supplemented.
 - (b) The Town Board shall review all preliminary Planned Unit Development subdivisions for compliance with these standards and may give preliminary approval with conditions, or denial to the preliminary plat.
 - (c) When considering a subdivision guarantee all requirements laid out in G.S. 160D-802 shall be followed by the town. For minor subdivisions that require a performance guarantee an expedited review process shall be used as outlined in G.S. 160D-802.
- (2) Planned Unit Developments proposing commercial uses shall be processed as a special use.
 - (3) The Town Board may modify the requirements in this section if in their judgment the public interests and the provisions of this section are achieved.
- (E) Form and content of applications. The following information plans and maps shall be submitted as part of the application for a Planned Unit Development.
- (1) Names, address, and telephone numbers of the owners and developers as well as project engineers or surveyors.
 - (2) A list of any adjacent lands to the development owned by the developer.
 - (3) Name of development, date, north point, and scale of drawing (not less than one inch = 20 feet nor more than one inch= 200 feet).
 - (4) Location of the development by section, township, range, and lot.
 - (5) The boundary lines and names of adjacent subdivisions or major partitions, adjacent streets, and tract lines of adjacent parcels of property.
 - (6) Vicinity map (at a legible scale) showing the relationship to the nearest arterial, highway, or street.
 - (7) Property boundaries and dimensions. Approximate dimensions and layout of lots, minimum lot size.
 - (8) Ground elevations shown by contour lines of not less than five-foot vertical intervals. State source of information.
 - (9) Gross acreage in proposed development.
 - (10) Existing zoning of property.
 - (11) Proposed uses of the property, including sites, any, for attached dwelling units, recreational facilities, parks, playgrounds or other public or semipublic uses, with the purpose, condition, and limitations of such reservations clearly indicated.

- (12) Existing uses of the property, including the location and use of all existing structures and their disposition. Existing trees or other natural vegetation.
- (13) Source of the domestic water supply and sewer disposal.
- (14) Drainage statement. Watercourses on and abutting the property. Approximate location of areas subject to inundation of storm water overflow, or all areas covered by water, and the approximate location, width, and direction of flow of all watercourses. Direction of drainage on proposed streets shall be indicated.
- (15) The approximate location, and dimensions (horizontal and vertical) of all commercial, common-wall, or multi-family structures proposed to be located on the site.
- (16) Improvements. Statement of improvements to be made or installed including streets, sidewalks, tideway's, trails, lighting, tree planting, landscaping, and time such improvements, are to be made or completed.
- (17) The proposed location, width, surface conditions, and alleys of streets within the development.
- (18) Easements. Approximate width, location, and purpose of all existing and proposed easements.
- (19) Utilities such as electrical, gas, telephone, on and abutting the tract.
- (20) Written statement. Information, which is not practical to be shown on the maps, may be shown in separate statements accompanying the proposed development.
- (21) In areas identified as Areas of Environmental Concern (AEC), the developer shall submit a site analysis. If the Town Clerk determines additional information is necessary, he shall notify the developer in writing of the specific issues on which more information is needed. The developer shall provide this information in writing to the town prior to formal consideration by the Board. This requirement may be waived in the event all development is transferred to more suitable land outside areas designated as AEC.

(F) Expiration.

- (1) Planned Unit Developments that have special use approval for commercial uses shall receive preliminary plat approval for the proposed development by the Town Board within one year of the date on which the special use was granted. The preliminary approval shall be effective for two years from the date of approval by the Town Board during- which time the final plat shall be recorded.
- (2) The Town Board may extend the approval period for not more than one additional year at a time. Request for extension of approval time shall be submitted in writing. Thirty (30) days prior to the approval period elapsing the Board shall inform the developer in writing of the fact. Notice to the developer shall become a part of the permanent file. If the developer or his agent has not requested extension of the Planned Unit Development within 45 days after the elapsed date, any and all approvals shall become void. The Board may also request that the Planned Unit Development be submitted at any time after the one year period rather than extending the original approval. The Town Board may also

require modification, revision, or change within the proposed Planned Unit Development to benefit the public interest in granting a one year time extension.

Penalty, see §92.99

§ 92.27 through § 92.34 RESERVED FOR FUTURE USE.

ARTICLE III.

SUPPLEMENTAL DISTRICT REGULATIONS

§ 92.35 OFF-STREET PARKING.

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such parking space may be provided in a parking garage or properly graded open space. The minimum size parking space shall be 200 square feet with a minimum width of ten feet

- (A) Certificate of minimum parking requirements. Each application for a zoning compliance certificate or building permit submitted to the Town Clerk and to the Hertford County Building Inspector as provided for in this chapter shall include information as to the location and dimensions of off-street parking, loading space, and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the Town Clerk to determine whether or not the requirements of this section are met.
- (B) Certificate of required parking spaces. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that one-half 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.
- (C) Remote parking spaces. If the off-street parking space required by this chapter cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to such principal use, provided such land is in the same ownership as the principal use. The land shall be used for no other purpose so long as no other adequate provisions of parking space meeting the requirements of this chapter have been made for the principal use. In such cases, the applicant for a zoning compliance certificate for the principal use shall submit with his application for a zoning compliance certificate an instrument duly executed and acknowledged, which subjects the land to parking use in connection with the principal use or for which it is made available. The applicant shall deposit the necessary fee and on the issuance of a zoning compliance certificate, the Town Clerk shall cause the instrument to be registered in the office of the County Register of Deeds.
- (D) Requirements for parking lots in residential districts. Where parking lots for more than five cars are permitted or required in residential districts, the following shall be complied with:
 - (1) The lot may be used only for parking and not for any type loading, sales, dead storage, repair work, dismantling, servicing, or play (recreation) area.
 - (2) All entrances, exits, barricades at sidewalks, and drainage plans shall be approved by the Town Clerk in accordance with the town code and constructed before occupancy.
 - (3) A strip of land five feet wide shall be reserved, as open space adjoining any street line or any lot zoned for residential uses, guarded with wheel bumpers and planted in grass and/or shrubs.

(4) Only one entrance and exit sign (maximum two square feet) and a sign no larger than two square feet non-illuminated prescribing parking regulations may be erected at each entrance or exit. No other signs shall be permitted.

(E) Minimum parking requirements. The following off-street parking space shall be required.

(1) Residential and Related Uses

Required Parking

Single-family dwelling units

Two parking spaces on the same lot as the dwelling unit.

Any residential use containing more than one dwelling unit

One and one-half parking spaces on the same lot as the dwelling.

Rooming or boarding houses

One parking space for each one room to be rented.

Doctor's or dentist's office in his residence

Six parking spaces in addition to residence requirements.

Professional office (other than doctor or dentist) or customary home occupation in operator's residence

Two parking spaces in addition to residence requirements.

(2) Public and Semipublic Uses

Required Parking

Hospital

Two parking spaces for each bed intended for patient use, exclusive of bassinets.

Clinic

Four parking spaces for each doctor plus one parking space for each employee.

Nursing home

One parking space for each five beds intended for patient use.

Churches

One parking space for every four seats or 30 square feet in the largest assembly area. If, however, the facility is located proximate to an

off-street parking area intended to serve another use and the church can attain permission of the owner, then the existing parking may provide up to 50% of the parking required by the church.

Elementary school and junior high school

Three parking spaces for each classroom and administrative office or one space for each 30 square feet of space provided for seating in the largest assembly area, whichever is greater excluding loading space.

Senior high school

One parking space for each ten students for which the building was designed plus one parking space for each classroom and administrative office.

Stadium, play field, or recreation area

One parking space for each four spectator seats.

Auditorium

One parking space for each four seats in the largest assembly room.

Public or private clubs

One parking space for each 100 square feet of gross floor space.

Public utility buildings

One parking space for each employee.

Auto repair

One space for each employee of the largest shift plus five spaces for each service area or for each 300 square feet of repair or maintenance space, whichever is the greater.

(3) Business Uses

Required Parking

Tourist home, motel, motor court

One parking space for each room to be rented

| | |
|--|---|
| | plus one additional parking space for each two employees. |
| Hotel (not including any retail use) | One parking space for each three rooms to be rented plus one additional space for each three employees. |
| Restaurants, cafes, taverns, night clubs, or pool halls | One parking space for each 100 square feet of patron serving area or portion thereof, plus one additional parking space for each two employees. |
| General or professional offices | one parking space for each 200 square feet of gross floor area. |
| Banks | One parking space for each 200 square feet of gross floor space plus one for each two employees. |
| Filling stations | Five parking spaces for each grease rack and five places for each wash rack, plus one additional parking space for each two employees. |
| Theaters | One parking space for each four seats in the auditorium. |
| Funeral homes | One parking space for each four seats in the chapel or parlor, plus one additional parking space for each two employees. |
| Retail service uses not otherwise indicated | One parking space for each 100 square feet of gross floor area. |
| Skating rink, bowling alley, dance hall, or similar indoor or outdoor commercial recreation uses | One and one-half square feet of parking area for each one square foot of gross floor area. |
| (4) <u>Industrial and Wholesale</u> | <u>Required Parking</u> |

Wholesale uses

One parking space for each employee on the largest shift.

Industrial uses

One parking space for each employee on the largest shift.

Penalty, see §92.99

§ 92.36 OFF-STREET LOADING.

(A) The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section an off-street loading berth shall have minimum plan dimensions of 12 feet by 25 feet and 14 feet overhead clearance with adequate means for ingress and egress. A loading space requirement may be modified or waived by the Town Board on application in the case of a bank, theater, assembly hall, or other building of similar limited loading space requirements.

(B) Number of required off-street loading berths.

- (1) For structures containing not more than 20,000 square feet of gross floor area one berth shall be required.
- (2) For structures containing 20,000 or more square feet of gross floor area, the number of berths specified in the table below shall be provided.

| Square Feet of Gross Floor Area | Required Number of Berths |
|-------------------------------------|------------------------------|
| 20,000 - 40,000 | 2 |
| 40,000 - 100,000 | 3 |
| 100,000 - 160,000 | 4 |
| 160,000 - 240,000 | 5 |
| 240,000 - 320,000 | 6 |
| 320,000 - 400,000 | 7 |
| Each 80,000 above 400,000, add one. | |

Penalty, see §92.99

Wholesale uses

One parking space for each employee on the largest shift.

Industrial uses

One parking space for each employee on the largest shift.

Penalty, see §92.99

§ 92.36 OFF-STREET LOADING.

(A) The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section an off-street loading berth shall have minimum plan dimensions of 12 feet by 25 feet and 14 feet overhead clearance with adequate means for ingress and egress. A loading space requirement may be modified or waived by the Town Board on application in the case of a bank, theater, assembly hall, or other building of similar limited loading space requirements.

(B) Number of required off-street loading berths.

- (1) For structures containing not more than 20,000 square feet of gross floor area one berth shall be required.
- (2) For structures containing 20,000 or more square feet of gross floor area, the number of berths specified in the table below shall be provided.

| Square Feet of Gross Floor Area | Required Number of Berths |
|-------------------------------------|------------------------------|
| 20,000 - 40,000 | 2 |
| 40,000 - 100,000 | 3 |
| 100,000 - 160,000 | 4 |
| 160,000 - 240,000 | 5 |
| 240,000 - 320,000 | 6 |
| 320,000 - 400,000 | 7 |
| Each 80,000 above 400,000, add one. | |

Penalty, see §92.99

§ 92.37 SIGN REGULATIONS.

(A) Purpose.

- (1) It is the purpose of this section to:
 - (a) Promote, preserve, and protect the health, safety, and general welfare of the present and future inhabitants of the municipality by providing reasonable regulations and standards relating to signs.
 - (b) To lessen congestion in the streets, provide for the promotion of traffic safety, and the orderly movement of traffic; and
 - (c) To protect and enhance the overall appearance of the community.
- (2) This code recognizes and subscribes to the right of businessmen to advertise their businesses on their own premises and, in proper circumstances, on the premises of others.

(B) Signs not subject to permits. The following signs may be erected and maintained in all districts without permits:

- (1) Governmental signs, such as traffic or similar regulatory devices, legal notices, or warnings.
- (2) Memorial plaques, historical markers, and similar devices.
- (3) Church and community identification no larger than 25 square feet in sign area and located no closer than five feet from any property line.
- (4) Civic groups or bodies no larger than 25 square feet in sign area.
- (5) Cautionary or warning signs limited to sign messages warning hazards for the protection of persons or property in the immediate area of the sign. These signs shall not exceed four square feet in area per sign.
- (6) Occupant signs/residential district signs limited in content to the name of occupant or occupants and addresses of the premises. Occupant signs shall not exceed two square feet per sign in area and are limited to two such signs per street front. Occupant signs shall not be illuminated from other than a concealed light source and shall not flash, blink, fluctuate, or be animated.
- (7) Temporary unilluminated real estate "for sale" signs, shall not exceed six square feet in sign area for residential area and 32 square feet for commercial and industrial property.
- (8) Temporary signs not used as commercial advertising. Such signs shall not exceed six square feet in sign area and shall be erected for a period of no longer than 14 calendar days, per year.
- (9) Contractor signs not more than 12 square feet in sign area, naming contractors engaged in the construction on the property where the sign is located, the financing agency, or the realtor promoting the constructor. These signs shall be set back not less than ten feet from all property lines.

- (C) Signs subject to a permit in a specific zone district. R-15, R-9, R-5M.H, and R-3MF Districts.
- (1) General. Signs may be erected and maintained only for and by the legal uses in the districts in which the signs are located. Such signs shall be located on the same lot as the legal use and shall be clearly incidental to, and customarily and commonly associated with the operation of the legal use.
 - (2) Permitted sign types. Wall mounted and ground-type signs shall be permitted.
 - (3) Maximum sign area.
 - (a) Home occupation sign. The maximum of the face of the sign shall not exceed two square feet.
 - (b) Governmental, church, or civic club signs. The maximum area of the sign shall not exceed 24 square feet.
 - (c) Subdivision entrance/identification signs. The maximum area of the face of the sign shall not exceed 60 square feet and shall not exceed two signs per any one intersection within a development.
 - (4) Maximum height above grade.
 - (a) The maximum height for wall signs shall not exceed eight feet above grade.
 - (b) The maximum height for ground signs shall not exceed six feet above grade.
 - (5) Permitted location.
 - (a) Wall signs. Wall signs shall be set back from the boundary lines of the lot on which they are located the same distance as a building containing the legal use. Wall signs shall not project more than 18 inches from the surface to which they are attached. Such signs shall not be hazardous to public safety or vehicular and pedestrian traffic.
 - (b) Ground signs. Ground signs shall be set back from any boundary line of the lot; provided, that a clear area be maintained to a height of six feet within 55 feet of the intersection of two streets, a railroad right-of-way and a street, or a driveway and a street.
 - (6) Permitted illumination. Signs may be illuminated, but only from a concealed light source and shall not flash, blink, or fluctuate; and no red, green, or yellow lights shall be allowed within 55 feet of the intersection of two streets, and shall not have any moving, rotating, or otherwise animated parts. Any sign in violation of this section shall become a violation on the effective date of this chapter. Such signs shall be brought into conformity or removed within 30 days of the effective date of this chapter.
- (D) B-I and I-L Districts.
- (1) General. Signs may be erected, altered, and maintained only for and by legal uses in the district in which the signs are located. They shall be located on the same lot as the legal

use and be clearly incidental to, and customarily and commonly associated with, the operation of the legal use.

- (2) Permitted sign types. Wall mounted, time and temperature, ground, or free-standing signs shall be permitted. Free-standing signs (other than shopping center identification signs) shall not be permitted within a unified shopping center site.
- (3) Maximum sign area. Wall sign. The maximum area of the face of a wall sign shall not exceed two square feet per linear foot of the wall on which such sign is located. In any instance, such wall sign shall not be more than 300 square feet and shall not extend more than 18 inches from the face of the building.
- (4) Maximum height above grade.
 - (a) Wall signs in this district may be erected to the full height of the building but shall not be higher than the roofline.
 - (b) Freestanding signs shall not exceed 25 feet above grade.
- (5) Permitted location. Ground or free-standing signs shall be set back not less than ten feet from any street right-of-way, and not less than ten feet from a side or rear property line.
- (6) Permitted illumination. Signs may be illuminated, but shall not flash, blink, or fluctuate; and no red, green, or yellow lights shall be allowed within 55 feet of the intersection of two streets.
- (7) Other conditions.
 - (a) Animation. No sign shall have moving, rotating, or otherwise animated Darts; provided however, that time and temperature and barber poles shall be allowed to rotate.
 - (b) Window signs.
 1. Services messages. Notwithstanding any other restrictions regarding window signs in B-1 and I-L districts, no more than ten square feet of the total window area shall be used for public service messages or informational messages regarding services offered, hours of operation, or other such information.
 2. Promotional. Temporary promotional signs advertising special sales, individual sale items, and other such advertising campaigns shall be permitted to be affixed or suspended from the interior side of windows.
 3. Illuminated promotional.
 - a. Total number of freestanding signs requiring a permit shall not exceed one per street frontage, for any one site, lot, or business, or combination thereof.

- b. The maximum number of promotional signs, not requiring a permit, shall not exceed five for any one site, lot, or business or combination thereof.
- (E) B-2, I-L, and I-H Districts.
 - (1) General. Signs may be erected, altered, and maintained only for and by the legal uses in the district in which the signs are located.
 - (2) Permitted sign types. Wall-mounted, time and temperature, ground, or free-standing signs, off premises signs and billboards shall be permitted.
 - (3) Maximum sign area.
 - (a) Wall sign. The maximum area of the face of a wall sign shall not exceed two square feet per linear foot of the overall building on which the wall sign is located. In any instance, such wall sign shall not be more than 300 square feet and shall not extend more than 18 inches from the face of the building.
 - (b) Freestanding sign. The maximum area of the face of the sign for a freestanding sign shall not exceed 150 square feet.
 - (c) Billboard/off premise sign.
 - 1. The maximum area of the face of the sign for billboard shall not exceed 675 square feet.
 - 2. Where sign cutouts or graphic extensions are utilized, the maximum face area may be extended an additional 50 square feet for the cutouts.
 - (4) Maximum height above grade.
 - (a) Wall signs in this district may be erected to the full height of the building but shall not be higher than the roofline.
 - (b) Ground or freestanding signs shall not exceed 25 feet above grade.
 - (c) Billboards/off premise sign. The maximum height of any billboard shall not exceed 30 feet above grade, except, where such cutouts are used. The height of such cutouts can be extended an additional five feet above such sign.
 - (d) Signs located at a major United States or North Carolina highway intersection (which includes controlled access ramps, or multilevel highway construction) may be erected above the maximum grade to a height that will allow the sign to be visible by vehicular traffic on relatively straight approaches to the intersection.
 - (5) Permitted location.
 - (a) Ground or freestanding signs shall be set back not less than ten feet from any street right-of-way, and not less than ten feet from a side or rear property line.
 - (b) Billboards/off premise sign.

1. Billboards shall be set back not less than 50 feet from the right-of-way of any United States or North Carolina primary or secondary highway. All other setbacks shall be not less than 35 feet from a street right-of-way.
 2. There shall be not more than one billboard structure permitted per lot, site, or combination thereof.
- (c) Billboards, off premise sign. On all North Carolina and United States secondary and primary highways, no two billboards shall be spaced less than 1,000 feet apart. No billboards shall be located adjacent to or within 500 feet of an interchange or an intersection at-grade. The 500 feet shall be measured along the highway from the beginning or ending of pavement widening at the exit from, or entrance to the main traveled way. The minimum distance between billboards shall apply only to structures located on the same side of the highway.
- (6) Permitted illumination. Signs may be illuminated, but shall not flash, blink, or fluctuate; and no red, green, or yellow lights shall be allowed within 55 feet of the intersection of two streets.
- (7) Other conditions.
- (a) Animation. No sign shall have moving, rotating, or otherwise animated parts.
 - (b) Window signs.
 1. Service messages. Notwithstanding any other restrictions regarding window signs in CB and T.1., districts, no more than ten square feet of the total window area shall be used for public service messages or informational messages regarding services offered, hours of operation, or other such information.
 2. Promotional. Temporary promotional signs advertising special sales, individual sale items, and other such advertising campaigns shall be permitted to be affixed or suspended from the interior side of windows.
 3. Illuminated promotional. No more than ten square feet of the total window area shall be used for self-illuminated promotional signs and messages.
 - (c) Permitted maximum number.
 1. The maximum number of freestanding signs requiring a permit shall not exceed one per street frontage for any one site, lot, or business, or combination thereof.
 2. The maximum number of promotional signs, requiring a permit, shall not exceed five for any one site, lot, or business, or combination thereof.
- (F) Signs prohibited. The following signs are prohibited in all districts, and no permits shall be issued therefore:

- (1) Non-governmental signs which resemble or approximate the shape, size, form, content, color, or operation of traffic or railroad signs, signals, or devices.
 - (2) Signs which may interfere with the visibility or effectiveness of railroad signs, traffic signs, or official government signs.
 - (3) Signs placed or shaped to interfere with, or obstruct traffic sight distances, windows, doors, fire escapes, stairways, pedestrian walkways, or vehicular movement on public streets, drives, and alleys.
 - (4) Illuminated business or commercial signs within 100 feet of an R-15, R-9, R-3MF, and R-51141-1 district, or a Planned Unit Development District.
 - (5) Signs which move, rotate, flutter, or otherwise create motion to attract attention, except where specifically noted in this section.
 - (6) Flashing signs and devices or beacons, including those which flash intermittently, change intensity of light, or flash by rotation, except low-light-intensity time and temperature signs.
 - (7) Balloons or similar types of lighter-than-air objects, except those balloons and lighter-than-air objects which are subject to Federal Aviation Administration regulations because of their use of flight pattern are not regulated by division (F)(7).
 - (8) Portable signs usually parked in public places to attract attention and used primarily for the purpose of such display; provided, that signs painted or attached to vehicles shall not be prohibited.
 - (9) Any sign not expressly permitted in this chapter.
- (G) General regulations.
- (1) Wall, ground, or free-standing signs permitted for all uses allowed by right in the 0-I, B-1, B-2, I-L, and 1-H Districts may be illuminated with indirect silhouette lighting, interior lighting, or flood or spot lighting if such lighting is so placed and shielded as to illuminate only the face of the sign and to prevent light rays from being cast on neighboring buildings or vehicular traffic.
 - (2) All signs shall comply with all state and local building and electrical codes. All wiring to free-standing signs or to lighting equipment directed to free-standing signs must be underground, unless based on a finding of the Zoning Enforcement Officer and the Board of Adjustments, as set out in §§92.70 through 92.72, that special conditions require otherwise. In such event, installations shall be as recommended by the Zoning Enforcement Officer and approved by the Board of Adjustment, as set out in §92.70 through §92.72.
 - (3) Whenever the use of a building or premises by a specific business or activity is discontinued for that business or activity for a period of 90 days, signs pertaining to that business or activity shall be immediately removed by the owner.

- (4) Maintenance. Every sign and sign structure including, but not limited to, those signs and sign structures together with supports for which no permit or permit fees are required, shall be always maintained in good structural condition. All signs and sign structures, including those for which no permits are required shall be kept neatly painted, including all metal parts and supports that are not galvanized or of rust resistant materials. The Zoning Enforcement Officer shall inspect and have the authority to order painting, repair, alteration, or removal of a sign or sign structure which shall constitute a public nuisance or hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment. The Zoning Enforcement officer shall notify the owner of this condition and, on the failure of the owner to correct this condition within sixty (60) days, the Zoning Enforcement Officer shall take appropriate legal action to repair or remove the sign at the expense of the owner.
- (5) All signs adjacent to the intersection of any streets or driveways with any United States or North Carolina primary or secondary highway shall set back not less than 150 feet sight distance, as prescribed by the State Department of Transportation.
- (6) All ground or freestanding signs shall have not more than three face areas per sign.
- (7) Height of ground sign; exception. Where an unusual topographic situation exists, more specifically, where a certain parcel of land is considerably below the traveled way, the maximum height of the ground sign can be measured from the adjacent traveled way. For the purpose of this chapter, "TRAVELED WAY" is defined as that portion of the roadway for the movement of vehicles, exclusive of shoulders.

Penalty, see §92.99

§ 92.38 FENCES.

Fences not exceeding a height of four feet shall be exempt from the yard and building setback line requirements of this chapter. Fences not exceeding a height of six feet to be erected only in the side or Rear yards shall be exempt from the yard and building setback line requirements of this chapter, provided that no fence exceeding a height of four feet will be constructed within 15 feet of any street. In all cases, the corner visibility provisions of this chapter shall be observed. Penalty. See §92.99

§ 92.39 MOBILE HOMES. ✕

- (A) Minimum standards. Mobile homes shall be subject to the following requirements in all of the zoning districts in which they are allowed.
 - (1) The unit shall satisfy the requirements for a mobile home as defined in §92.07 and the Manufactured Home Construction Safety Standards as established by the US Department of Housing and Urban Development (24 CFR Part 3280, as amended and supplemented), which are incorporated by reference herein.
 - (2) Placement of the mobile home on a foundation or footings according to requirements of the State Building Code Regulations for Mobile Homes; plans and specifications for the foundation or footing design shall be submitted and a building permit obtained.

- (3) Placement of manufactured skirting in those areas around the perimeter of the mobile home which are not developed with a foundation.
 - (4) Any extension of or attachment to the mobile home which is not part of the original factory manufactured mobile home and which is intended for use either as part of the dwelling unit or for storage purposes shall not occur unless indicated as a part of the application and is part of the approval. This application shall include plans for review and approval to ensure the extension or attachment proposed is compatible and of like design and character to the existing mobile home. A building permit shall be obtained for such extensions or additions to mobile homes if so, required by the appropriate state statutes and regulations.
 - (5) The applicant must obtain a zoning compliance certificate from Town's Clerk and an installation/set-up permit for the mobile home from the Hertford County Building Inspector.
 - (6) All mobile homes subject to the within ordinance shall face a dedicated and accepted street and/or a street meeting the municipal requirements.
- (B) Mobile homes in mobile home subdivisions shall be subject to the above requirements and the additional following requirements:
- (1) An on-site paved parking area shall be provided for each dwelling.
 - (2) Skirting shall be compatible with exterior design and siding materials of the mobile home.

Penalty, see §92.99

§ 92.40 MOBILE HOME PARKS.

It shall be unlawful for a person to park or store a mobile home or trailer, or maintain, build, or alter a mobile home park within the town planning/zoning jurisdiction unless and until a final plan of the mobile home park has been approved, in writing, by the Town. Mobile Home Parks meeting the requirements of §92.39 and other applicable municipal ordinances, are permitted in the R-5MH District. All mobile homes subject to the within ordinance shall face a dedicated and accepted street and/or a street meeting the municipal requirements.

- (A) Permits to build or alter a mobile home park and approval of plans. No person shall construct or engage in the construction of any mobile home park or make any addition or alteration to a mobile home park that either alters the number of sites for mobile homes within the park or affects the facilities required therein until he/she first secures a zoning compliance certificate authorizing such construction, addition, or alteration. The construction, addition, or alteration shall be done in accordance with plans and specifications submitted with the application and approved by the proper authorities. Procedure for the applicant securing such zoning compliance certificate and assuring that the requirements of the zoning compliance certificate are complied with shall consist of the following:
- (1) For the construction or alteration of a mobile home park that affects the number of sites within the park, a preliminary plan containing the information prescribed in §92.40(B)

shall be prepared and submitted to the Town Board for approval. No plan is required to be prepared and approved for issuance of a permit to make minor facility improvements in an existing legal mobile home park where the number of mobile home sites within the park is not affected. When no plan is required, application for a zoning compliance certificate may be made directly to the Town of Winton Town Clerk. All zoning compliance certificate applications shall be made on forms supplied by the Town Clerk and shall be accompanied by the preliminary plan of the park in its entirety.

- (2) If the application contains the required information and the requirements of this chapter are complied with, and the appropriate fee paid, the zoning compliance certificate shall be issued.
 - (3) The Building Inspector shall make an examination of the construction at any reasonable time to determine whether the work is being done according to approved plans and specifications, and the owner shall make available any records, test data, or other information essential to such determination.
 - (4) It is recommended that before filing a preliminary plan of the proposed mobile home park for review by the Town Board, a sketch plan may be submitted to the Town Manager and or his/her designee, for his/her suggestions and criticisms.
 - (5) After the preliminary plan has been approved and all improvements and utilities specified in the preliminary plan have been installed, two copies of the final plan shall be submitted to the Town Clerk for certification of compliance with the preliminary plan. If the Town Clerk shall find that the final plan is satisfactory, the final plan shall be submitted for approval by the Town Board. The final plan shall be prepared on linen and Mylar and shall contain the information prescribed in §92.40(C) and shall conform to the preliminary plan as approved. If desired by the applicant, it may constitute only that portion of the. Approved preliminary plan which he proposes to develop at the time, provided, however, that such portion conforms to the. Minimum requirements of this chapter.
 - (6) Where any land in the park is to be dedicated to public use, the procedures of the subdivision regulations shall be followed.
- (B) The preliminary plan shall be drawn to a scale of not less than one inch equals 40 feet and shall show the following on one or more sheets:
- (1) A site plan of the proposed mobile home park.
 - (2) The name of the mobile home park, the names, addresses, and telephone numbers of the owners and the designer of the park.
 - (3) Date, approximate north arrow, and scale.
 - (4) The boundary line of the tract with accurate linear and angular dimensions drawn to scale and the area of the park in slat are feet or acres.
 - (5) Contours with a vertical interval of one foot referred to sea level datum and elevations of existing streets, roads, drives, walks, curbs, or catch basins.

- (6) A location map with a scale no less than one-inch equals 1000 feet showing the location of a mobile home park.
 - (7) The locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drainpipes, and any utility easements, both on the land to be developed into a mobile home park and on land immediately adjoining. The names of adjoining subdivisions or the names of recorded owners of adjoining parcels of land, along with present uses of said land.
 - (8) The names, proposed location, and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and open spaces, reservations, mobile home spaces, mobile home stands, and building lines within the park. This information should be graphical only, not requiring detailed computations or field work in obtaining the required information above. In all cases the proposed characteristics shall be shown in a manner that shall distinguish them clearly from the existing characteristics of the land.
 - (9) When deemed necessary by the Town Manager profiles of all proposed public or private streets or drives, showing natural and finished grades drawn to a scale of not less than one-inch equals 40 feet horizontal and one inch equals four feet vertical.
 - (10) Plans of proposed utility layouts (sewer lines, septic tank locations, septic tank drain fields, and water and storm drainage) showing feasible connections to existing and proposed utility systems.
 - (11) Proposed storm drainage for each mobile home space and for the entire mobile home park including all proposed grading and sewer installations, which may be deemed necessary to insure proper drainage and the elimination of ponding.
 - (12) Location and number of garbage receptacles.
 - (13) A detailed plan for all electrical installations prepared to meet the North Carolina Building Code and local codes or ordinances.
 - (14) Where public water or public sewer is not available, a written statement from the County Health Department shall be submitted with the mobile home park plan indicating that the mobile home park has adequate land area and suitable topography to accommodate the proposed methods of water supply and sewage disposal.
- (C) What the final detailed site plan shall show. The final plan shall be drawn in black ink on linen or Mylar in sheets either 15 x 18 inches or 20 x 24 inches in size, to a scale of not less than one inch equals 40 feet. It shall contain the following:
- (1) A site plan of the proposed mobile home park.
 - (2) The name of the mobile home park, the names, addresses, and telephone numbers of the owner and the designer of the park.
 - (3) Date, approximate north arrow, and scale.

- (4) The boundary line of the tract with accurate linear and angular dimensions drawn to scale.
 - (5) The names, proposed locations; and dimensions proposed streets, alleys, driveways, entrances, exits, walkway easements, recreation areas, parks, and other open spaces, reservations, mobile home spaces, parking spaces, buildings, signs, mobile home stands, patios, electrical plan, planting strip, (Section 8.4), and building lines within the park. The information should be drawn accurately with detailed computations and field work completed.
 - (6) A detailed drawing to a scale of not less than one inch equals five feet of a typical mobile home space showing the location of the mobile home stand, all utilities, and the mobile home utility connections, the patio, concrete footing, walks, parking spaces, driveways, and all other improvements.
- (D) Specifications for mobile home parks.
- (1) Every mobile home park shall be located on a tract of land not less than three (3) acres in size and shall contain at least ten (10) mobile home spaces as defined in this chapter.
 - (2) Every mobile home space shall consist of a minimum of 7,500 square feet. Further, each mobile home space shall be clearly defined or delineated and shall have a minimum width of one hundred feet (100').
 - (3) No more than one mobile home may be parked on any mobile home space.
 - (4) The supports of all mobile homes parked within an authorized park shall rest on adequate concrete footing. Each mobile home space shall be provided with a patio of at least 160 square feet constructed of concrete, brick, flagstone, or other such hard-surfaced material. Such patio shall abut off-street parking space required by this chapter for each mobile home space, or in lieu of this abutment, a paved walkway at least two feet wide leading from the road or off-street parking space to the patio shall be provided. Each patio and walkway shall be graded and properly drained to prevent ponding.
 - (5) No mobile home stand shall be located less than 30 feet from a public street right-of-way. No mobile home stand shall be located less than 20 feet from a private drive or an exterior park boundary or less than 20 feet from another mobile home stand, a mobile home addition, or any other structure.
 - (6) Off-street parking space sufficient to accommodate at least two automobiles shall be constructed within each mobile home space. Such off-street space shall provide a minimum area of ten feet by 20 feet for each automobile and shall be paved or covered with crushed stone or other suitable material.
 - (7) The mobile home park be located on ground so as not to be susceptible to flooding and graded to prevent any water from ponding or accumulating on the premises. Where storm drain way pipes are in adjacent streets, 'underground drainage facilities with connections to the storm drainage system shall be provided for the mobile home park.
 - (8) Each mobile home stand and the mobile home space shall be graded to provide adequate storm drainage away from the mobile home and such that there will exist no more than

two feet difference between the chassis of the mobile home and the finished grade of the mobile home stand along the entire perimeter of the mobile home proper.

- (9) The mobile home park shall have driveways, with an unobstructed right-of-way of at least 30 feet that directly abut all mobile home spaces. All such driveways shall be paved and lighted at night; minimum width of pavement shall be 18 feet. No on-street parking shall be permitted on such driveways; however, wider streets may be provided, and on-street parking permitted when a minimum of a 50-foot right-of-way and a minimum of 34 feet width of pavement is provided.
 - (10) No mobile home space shall be more than 500 feet measured along connecting driveway centerlines from a public street.
 - (11) All mobile home park driveways shall connect with a public street or another driveway with a 30-foot (minimum) right-of-way and 18 feet pavement (minimum).
 - (12) No mobile home space shall have direct vehicular access to a state or federal primary street.
 - (13) Area to provide proper drainage ditches and a three to one (3:1) back slope shall be provided along all public streets or private driveways constructed with 18 feet or more of paving width.
 - (14) Closed ends of dead-end streets shall be provided with an adequately paved vehicular turning circle of at least 50 feet in diameter.
 - (15) Each mobile home stand shall have adequate access, for both the mobile home and autos, with a minimum width of 20 feet unless more is deemed necessary because of topographical conditions or street curvature.
 - (16) When the mobile home park has more than one direct access to a public street, they shall not be less than 300 feet apart or less than 300 feet from a public street intersection unless topographical or site conditions demand otherwise.
 - (17) Signs for identification of mobile home parks: one or not more than two signs with a total area of not more than 1/2 square foot for each mobile home space and in no case larger than 50 square feet located on private property but no closer than five feet to any property line. Only indirect non-flashing lighting may be used for illumination, and the sign must be constructed in such a manner as to prevent a direct view of the light source from any public street right-of-way.
- (E) All mobile home parks shall comply with the State Building Code and related codes adopted by the town (particularly the mobile homes and modular dwelling unit section of the State Building Code).
- (F) All mobile homes within the town shall be connected to municipal water and sewer systems.
- (G) All mobile parks shall provide adequate and suitable recreational areas and facilities to serve the needs of the residents of the park. Specifically, at least 200 square feet for each mobile home in the park shall be provided in one or more locations.

Penalty, see §92.99

§ 92.41 DAY CARE CENTERS.

- (A) There shall be a minimum of seventy-five (75) square feet of outdoor recreational space for each client. The outdoor recreational space for each client. The outdoor recreational area shall be in a side or rear yard and shall be enclosed by a fence of at least four (4) feet in height.
- (B) The hours of operation of a day care center may be limited by the permit-issuing authority for facilities located in residential neighborhoods.
- (C) There shall be one (1) parking space for every two (2) employees, in addition residence requirements.
- (D) Day care centers shall not be located closer than one thousand (1,000) feet from another day care center or similar type facility.

§ 92.43 through 92.49 RESERVED FOR FUTURE USE.

END OF ARTICLE III.

ARTICLE IV.

CRITERIA FOR DISCRETIONARY PERMITS

§ 92.50 GENERAL PROVISIONS.

- (A) All applications for conditional and special uses, variances, temporary permits, and non-conforming uses shall be evaluated under the specific criteria listed within this chapter. Unless otherwise specified in the district, all such applications shall be subject to the procedures under §92.60 through §92.64.
- (B) Findings justifying a decision regarding a discretionary permit shall be made in writing and shall be provided to the applicant.
- (C) The granting of a discretionary permit may be subject to such conditions as are reasonably necessary to protect the public health, safety, or general welfare from potentially deleterious effects resultant from approval of the permit, or to fulfill the public need for public service demands created by approval of the request.

§ 92.51 CONDITIONAL SPECIAL USE.

The Board of Adjustment may allow a conditional special use, after a hearing conducted pursuant to §92.60 through §92.64 providing that the applicant provides evidence substantiating that all the requirements of this chapter relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

- (A) The use is listed as a conditional special use in the underlying district.
- (B) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and natural features.
- (C) The site and proposed development are timely, considering the adequacy of transportation systems, public facilities, and services existing or planned for the area affected by the use.
- (D) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district.
- (E) The proposal satisfies the goals and policies of the Land Use Plan, which apply to the proposed use.
- (F) The applicant shall provide written consent to the conditions of the special use permit to ensure enforceability.

§ 92.52 VARIANCES

- (A) To authorize on appeal in specific cases such variances 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 would result in unnecessary hardship. In granting any variance, the Town Board may prescribe appropriate conditions and safeguards in conformity with this chapter. The Town shall obtain applicants/landowner's written consent to conditions related to a conditional zoning approval to ensure enforceability. (G.S. 160D-703(b); S.L. 2019-111, Pt. I. A variance from the terms of this chapter shall not be granted by the Town Board unless and until the following findings are made:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - (2) That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
 - (3) That the special conditions and circumstances do not result from the actions of the applicant.
 - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other land, structure, or buildings in the same district.
- (B) Appeals from the Board of Adjustment. Appeals from the decision of the Board of Adjustments shall be made to the County Superior Court by proceedings in certiorari.
- (C) Appeals from the Town Board. Appeals from the decisions of the Town Board shall be to the County Superior Court by proceedings in certiorari.
- (1) The aggrieved individual shall have thirty-days (30) to file an appeal and it will be presumed that if the notice of determination was sent by mail, it was received on the third business day after it was sent.
 - (2) Appeals to quasi-judicial decisions as well as those to an administrative determination shall have a thirty (30) day period to file.

§ 92.53 NONCONFORMING USES.

It is the intent of this chapter to permit these legal nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged on, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. Nonconforming uses are declared by this chapter to be incompatible with the permitted uses in the districts involved.

- (A) Legal Nonconforming lots (lots of record).
- (1) Where the owner of a lot at the time of the adoption of this chapter or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this chapter, such lot may be used as a building site, provided that the lot width and lot area are not more than 20% below the minimum specified in this chapter. In any case where the lot area and lot are more, than 20% below the minimum specified in this chapter or other dimensional requirements cannot be met, the Town Board is

authorized to approve as a variance such dimensions as shall conform as closely as possible to the required dimensions.

- (2) If two or more adjoining and vacant lots of record are in single ownership at any time the adoption of this chapter and such lots individually have less frontage or area than the minimum requirements of the -district in which such lots are located, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this chapter for the district in which such lots are located.
- (B) Nonconforming uses of land. Where at the time of passage of this chapter lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided:
- (1) No such legal nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
 - (2) No such legal nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.
 - (3) If any such legal nonconforming use of land ceases for reason for a period of more than one year any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
 - (4) Any legal nonconforming use of land may be changed to a conforming use, or with the approval of the Board of Adjustment to any use more in character with the uses permitted in the district.
- (C) Nonconforming structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 - (2) Should any nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 75% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
 - (3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
 - (4) Normal maintenance and repair of a structure occupied by a nonconforming use is permitted provided it does not extend the nonconforming use.

- (D) Alterations and changes.
- (1) Alterations required by law. The Town Board shall permit the alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use or structure, subject to all other laws, ordinances, and regulations.
 - (2) Maintenance. Normal maintenance of a nonconforming use is permitted provided there are not major structural alterations as determined by the Town Board.
 - (3) Alterations and changes. Alterations or a change of the use or structure may be permitted to reasonably continue the use subject to the Town Board's review and approval under provision of §§92.60 through 92.64 and the following conditions:
 - (a) The change in the structure or physical improvements will have no greater adverse impact on the neighborhood than the existing structure and improvements; and
 - (b) The change in use, if applicable, will have no greater adverse impact on the neighborhood than the existing use.
- (B) Nonconforming signs. Where a lawful sign exists at the effective date of adoption or amendment of this chapter that could not be erected under the terms of this chapter by reason of type, design, lighting, placement, or size, such sign may be continued to be utilized as long as it remains otherwise lawful, subject to the following provisions:
- (1) No such nonconforming sign may be enlarged or altered in a way which increases its nonconformity, but any sign or portion thereof may be altered to decrease its nonconformity.
 - (2) No nonconforming sign destroyed to an extent of more than 50% of its replacement cost at time of destruction may be re-erected or replaced except in conformity with the provisions of this chapter.
 - (3) Should a nonconforming sign be removed or moved any distance it shall not be re-erected or replaced except in conformity with the provisions of this chapter.
 - (4) Should the use conducted on the premises which a nonconforming sign is intended to advertise or locate cease for a period of greater than 30 days, or should the ownership of such use or sign be transferred, then the sign shall lose its status as a legal nonconforming sign, and shall become subject to the requirements of §§92.70 through 92.72, and if found to be noncompliant shall be considered a violation of this chapter.
 - (5) Normal maintenance and repair of a nonconforming sign is permitted provided it does not extend or enlarge the nonconformity of the sign.

Penalty, see §92.99.

§ 92.54 through § 92.59

RESERVED FOR FUTURE USE.

END OF ARTICLE IV.

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ARTICLE V. ADMINISTRATIVE AUTHORITY AND PROCESS

§ 92.60 ZONING ENFORCEMENT OFFICER.

The Town of Winton Board of Commissioners herewith appoints the Winton Town Clerk as the Zoning Administrator for the Town of Winton to administer and enforce this chapter.

- (A) If the Town Clerk shall find that any of the provisions of this chapter are being violated, he/she, or his/her designee, shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. A notice of violation shall be delivered to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud.
- (B) If inspecting, the individual must enter the premises during reasonable hours and upon presenting credentials. The individual completing the inspection may enter the premises provided that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured.
- (C) He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done or shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- (D) A development approval will be provided in writing and the application must be made by the person with a property interest or a contract to purchase the property.
 - (1) Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or authorized agent of the landowner.
 - (2) Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to G.S. 160D attach to and run with the land.
- (E) The same review and approval process required to issue a development approval, including any required notice or hearing, in the review and approval of any revocation of the approval.
 - (1) A development approval may be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the Town for enforcement purposes; or for false statements or misrepresentation made in securing the approvals. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked.

- (2) Development approvals may be revoked by The Town by notifying the holder in writing stating the reason for the revocation. The Town shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.

§ 92.61 BUILDING PERMIT.

No building shall be erected, added to, structurally altered, or demolished, until a zoning compliance certificate has been issued by the Town of Winton Town Clerk, and a permit to do so has been issued by the Hertford County Building Inspector. No building permit shall be issued except in conformity with the provisions of this chapter except after written order from the Board of Adjustment.

(A) Plans.

- (1) Each application for a building permit shall be accompanied by complete plans (drawn to scale) in duplicate signed by the applicant with his address, showing the actual shape and dimensions of the lot to be built on, the exact sizes and locations on the lot of the buildings and accessory buildings then existing, and the lines within which the proposed building shall be erected or altered, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for enforcement of this chapter.
- (2) One copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The record copy of the plans, similarly marked, shall be retained by the Building Inspector.

(B) Effect on outstanding building permits. Nothing herein contained shall require any change in the plan, construction, size, or designated use of any building, structure, or part thereof for which a building permit has been granted by the Building Inspector prior to the time of passage of this chapter; provided, however, that where construction is not begun under such outstanding permit within a period of 60 days subsequent to the passage of this chapter or where it has not been prosecuted to completion within 18 months subsequent to passage of this chapter, any further construction or use shall be in conformity with the provisions of this chapter.

(C) Construction progress. If no substantial construction progress has been made within six months of the issuance of the building permit or been substantially completed within one year of the issuance of the permit, the permit becomes invalid. Penalty, see §92.99 If a building permit is issued that permit shall be valid for six (6) months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced. Pursuant to G.S. 160D-403(c) all development approvals and permits shall expire one (1) year after issuance unless work has substantially commenced.

- (1) If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

§ 92.62 CERTIFICATE OF OCCUPANCY.

- (A) No land shall be used or occupied (except for agricultural purposes) and no building hereafter structurally altered, erected, or moved, shall be used, or its use changed until a certificate of occupancy shall have been issued by the Building Inspector stating that the building or the proposed use thereof complies with the provisions of this chapter. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alterations of such building, or part, shall have been completed in conformity with the provisions of this chapter. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building erected. No permit for excavation for, or erection of, any building, or part of a building, or for repairs to, or alteration of a building shall be issued until a statement of its intended use has been filed by the applicant.

- (B) Temporary certificate. The Building Inspector may issue a temporary certificate of occupancy for bazaars, carnivals, religious revivals, construction offices, and similar uses. Such certificate shall be issued for a fixed period of time, but not to exceed 90 days, shall be subject to such limitations as the Building Inspector may impose to protect the character of the district affected, and may be considered for reapplication.

§ 92.63 BOARD OF ADJUSTMENT.

- (A) Establishment of Board of Adjustment. A Board of Adjustment is established in the town. The Town Board shall act in the capacity of the Board of Adjustment and shall assume the duties described herein.
 - (1) All members appointed to boards shall, before entering their duties, qualify by taking an oath of office.
 - (2) The extraterritorial jurisdiction population estimate shall be updated with every decennial census with representation on the board proportional as defined by G.S. 160D-307

- (B) Proceedings of the Board of Adjustment.
 - (1) The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
 - (2) The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations, findings, and other official actions, all of which shall be a public record and be filed in the office of the Town Clerk.

- (3) The Board of Adjustment will follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. For decisions requiring a quasi-judicial process all mandatory procedures outline in G.S. 169D-406 will be followed.
- (C) Powers and duties.
- (1) It is the intention of this chapter that all questions arising in connection with the enforcement of this chapter shall be presented first to the Town Clerk and that such questions shall be presented to the Town of Winton Board of Adjustment only on written request by the interested party. Such request shall indicate the date and time on which the questions were reviewed with the Town Clerk, the results of that session, and outstanding issues for the Board's attention.
 - (2) Appeals from the enforcement and interpretation of this chapter and requests for conditional special use permits and variances shall be filed with the Town Clerk specifying the grounds thereof.
 - (a) Appeals of Administrative Decisions shall go directly to the Board of Adjustment.
 - (b) All enforcement actions, including fines, shall be paused during the appeal process.
 - (c) If the appeal is concerning an administrative decision the official that made the decision, or their successor if the official is no longer employed, will appear as a witness in the appeal.
 - (3) The Town Clerk shall transmit to the Town of Winton Board of Adjustment all applications and records pertaining to such appeals, variances, or exceptions or conditional special uses. An appeal stays all proceedings in furtherance of the action appealed from, unless the Town Clerk certifies to the Board of Adjustment that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application and notice to the Town Clerk from whom the appeal is taken and due cause shown.
 - (a) Hearing of the appeal. After receipt of notice of an appeal, the Board Chairman shall schedule the time for a hearing, which shall be at a regular or special meeting within forty-five (45) days from the filing of such notice of appeal.
 - (b) Notice.
 1. At least 15 days prior to the date of the hearing the town shall furnish all adjoining property owners with written notice of the hearing.

2. In addition, the town shall place a notice of such public hearing in a newspaper of general circulation in the town prior to the date of the public hearing.
- (c) Fees for appeals or variances. A fee of \$100 shall be paid to the town for each application for a conditional special use variance, exception, temporary permits, or appeal, to cover the necessary administrative costs and advertising.
- (4) Any development regulation authorized under Chapter 160D, not just concerning zoning, will follow applicable procedures for legislative decisions and will adopt any development regulation by ordinance, not by resolution as required by G.S. 160D-601.
 - (a) The decision on the application for a development agreement shall be processed as a legislative decision and will consider the town as a party within the finalized development agreement. If a water and sewer authority is entering the development agreement it may enter as a party but will not enter as independent parties as stated in G.S. 160D-947(e).
 - (5) The Board of Adjustment will follow the quasi-judicial process as outlined in G.S. 160D-406 when reviewing special use permit applications and will not impose conditions on the special use permits that are not within the statutory authority to impose as stated in G.S. 160D-705(c).

§ 92.64 REMEDIES.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the Town Clerk or any appropriate authority of the town or any adjacent, nearby, or neighboring property owner who would be affected by such violation in addition to other remedies may institute injunction, mandamus, or other appropriate action or proceeding to prevent the occupancy of such building, structure, or land.

§ 92.65 DETERMINATION & INTENT TO REPAIR.

This ordinance shall be recorded in the office of the register of deeds in Hertford County and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance, the public officer shall effectuate the purpose of the ordinance.

§ 92.66 CONFLICT OF INTEREST STANDARDS

Conflict of Interest. No member of an appointed board, governing board, or staff shall use their position for their private gain. Members of appointed boards, governing boards, or staff are expected to minimize conflicts of interest, disclose ethical, legal, financial, and other conflicts, and removed themselves from decision-making when appropriate. Conflicts of interest shall be disclosed as per NC General Statute 160D-109.

- (A) Members of appointed boards and governing boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome could have a direct, substantial,

and readily identifiable financial impact on a member and prohibits a board member from voting on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for text amendment is a person with whom the member has a close familial, business or other associational relationship. A "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationship. N.C.G.S. 160D-109(f).

- (B) A member of the Board shall give notice to the chairman forty-eight (48) hours prior to the hearing on matters involving any potential conflict of interest. If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining member of the board shall by majority vote rule on the objection.
- (C) If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person or such other staff person.

§ 92.67 Through 92.69 RESERVED FOR FUTURE USE.

END OF ARTICLE V.

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ARTICLE VI.

ZONE CHANGE AND AMENDMENTS

§ 92.70 GENERAL PROVISIONS.

The Town Board may amend, supplement, or change the text regulations and zoning map according to the following procedures in this subchapter.

§ 92.71 ACTION BY THE APPLICANT.

The following action shall be taken by the applicant:

- (A) Initiation of amendments. Proposed changes or amendments may be initiated by the Town Board or by one or more interested parties.
- (B) Application. An application for any change or amendment shall contain a description or statement of the present and proposed zoning regulation or district boundary to be applied, and the names and addresses of the owner or owners of the property. Such application shall be filed with the Town Clerk not later than fifteen (15) days prior to the Town Board meeting at which the application is to be considered.
- (C) Fee. A fee of \$150 shall be paid to the town for each application for an amendment to cover the costs of advertising and other administrative expenses involved.

§ 92.72 ACTION BY THE TOWN BOARD.

- (A) Town Board considerations. The Town Board shall consider changes and amendments to this chapter proposed by applicants at any meeting of the Town Board.
- (B) Notice and public hearing.
 - (1) No amendment shall be adopted by the Town Board until after public notice and hearing. Before adopting, amending, or repealing any ordinance or development regulation (which must be adopted by ordinance) authorized under G.S. 160D, the Board of Adjustment shall hold a legislative hearing.
 - (2) Notice of public hearing shall be given once a week for two successive calendar weeks in a newspaper having a general circulation in the area. The notice shall be published the first time not less than ten days nor more than twenty-five (25) days before the date fixed for the hearing. In computing such period, the day of scheduling shall not be included, but the day of the hearing shall be included.
 - (3) Contiguous and surrounding property owners shall be notified as required by North Carolina Statutes. Notice by first class mail will be given to the owner listed on the county tax record of the parcel of land under consideration for change and to the owners listed on the county tax records of all parcels of land abutting that parcel of land and separated from the subject property by street, railroad, or other transportation corridor.

ARTICLE VII. PENALTY

§ 92.99 PENALTY.

(A) General Provisions.

1. Purpose. This article establishes procedures through which the Town seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for Ordinance violations. It also sets forth the remedies and penalties that apply to violations of this Ordinance. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.
2. Compliance Required. Compliance with all the procedures, standards, and other provisions of this Ordinance is required by all persons owning, developing, managing, using, or occupying land or structures in the Town.

(B) Violations and Responsible Persons.

1. Violations Generally.
 - i. Failure to Comply with Ordinance or Conditions of Approval Constitutes Ordinance Violation. Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Ordinance, or the terms or conditions of any development approval or permits granted in accordance with this Ordinance shall constitute a violation of this Ordinance punishable as provided in this article.
 - ii. Permits or Permit Approvals Only Authorize Development Approved. Development approvals or permits issued by a decision-making body authorize only the use, arrangement, location, design, density or intensity, and development set forth in such development approvals or permits.
2. Specific Violations.

It shall be a violation of this Ordinance to undertake any activity contrary to the provisions of this Ordinance, including but not limited to any of the following:

 - i. Develop land or a structure without first obtaining all appropriate development approvals or permits and complying with their terms and conditions.
 - ii. Occupy or use land or a structure without first obtaining all appropriate development approvals or permits and complying with their terms and conditions.
 - iii. Subdivide land without first obtaining all appropriate development approvals or permits required to engage in subdivision and complying with their conditions of approval.
 - iv. Excavate, grade, cut, clear, mine, extract earth resources, or undertake any land disturbing activity without first obtaining all appropriate development approvals or permits, and complying with their conditions of approval.
 - v. Remove existing trees from a development site without first obtaining appropriate development approvals or permits and complying with their conditions of approval.
 - vi. Disturb any landscaped area or vegetation required by this Ordinance.
 - vii. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development approvals or permits, and complying with their conditions of approval.

- viii. Fail to remove any sign installed, created, erected, or maintained in violation of this Ordinance, or for which the permit has expired.
 - ix. Create, expand, replace, or change any nonconformity except in compliance with this Ordinance.
 - x. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Ordinance.
 - xi. Increase the intensity or density of development, except in accordance with the standards of this Ordinance.
 - xii. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Ordinance.
3. Responsible Persons.
- i. The owner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance may be held responsible for the violation and subject to the remedies and penalties set forth in this Ordinance.

(C) Enforcement Responsibility and Procedures.

- 1. Responsibility for Enforcement.
 - i. While the Town of Winton Town Clerk shall be the official charged with the enforcement of the zoning code, all other officers and employees of the Town shall have the duty to assist the Town Clerk in enforcing this Ordinance by reporting apparent violations of this Ordinance to Town Clerk.
- 2. Complaints Regarding Violations. Any person may submit to the Town Clerk a complaint alleging a violation of this Ordinance. On receiving a signed written complaint that fully states the basis for the allegation, including the apparent cause of the alleged violation, the Town Clerk shall properly record such complaint, investigate the alleged violation, and take appropriate action as provided by this Ordinance.
- 3. Inspections. On presenting proper credentials, the Town Clerk may enter upon land or inspect any structure to ensure compliance with the provisions of this Ordinance; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured. These inspections shall be carried out during normal business hours unless the Town Clerk determines there is an emergency necessitating inspection at another time.
- 4. Enforcement Procedures.
 - i. Notice of Violation and Opportunity for Correction.
 - 1. On finding that a violation of this Ordinance exists, whether from an investigation of a written complaint or otherwise, the Town Clerk shall provide written Notice of the Violation, by personal service or certified mail, return receipt requested, to the owner of the land on which the violation exists and the person causing or maintaining the violation. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud. Such notice of violation shall:
 - a. Describe the location and nature of the violation;
 - b. State the actions necessary to abate the violation; and
 - c. Order that the violation be corrected or an administrative hearing be requested within a specified reasonable time

period not to exceed 30 days after receipt of the Notice of Violation.

2. The final Notice of Violation (which may also be the initial Notice of Violation) shall state what course of action is intended if the violation is not corrected or an administrative hearing is not requested within the specified time limit. If the final Notice of Violation identifies the assessment of a civil penalty as a potential intended course of action, the Notice of Violation shall also serve as a warning citation. The final Notice of Violation shall also advise the violators of their rights to appeal the Notice of Violation to the Board of Commissioners
 3. On receiving a written request for extension of the time limit for correction specified in the Notice of Violation, the Town Clerk may grant a single extension of the time limit for up to 90 days, for good cause shown.
 4. If the owner of the land cannot be located or determined, the Town Clerk shall post a copy of the notice on the building, structure, sign, or land that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the Notice of Violation is posted.
- ii. Administrative Hearing. If the violator requests an administrative hearing within the deadline set forth in the Notice of Violation, the Town Clerk shall schedule a hearing not less than ten days or more than 30 days after receiving the request, and shall provide the alleged violator written notice of the time and place of the hearing. At the conclusion of the hearing, the Town Clerk shall make a final determination of whether a violation exists and, if finding that a violation does exist, shall order the violator to undertake actions necessary to abate the violation within a set time limit. The Town Clerk shall also advise the violator of the right to appeal the final determination of violation to the Board of Commissioners.
 - iii. Application of Remedies and Penalties. On determining that the violator has failed to correct the violation by the time limit set forth in the final Notice of Violation (or any granted extension) or set at a subsequent administrative hearing, or has failed to appeal the Notice of Violation or final determination of violation in a timely manner Town Clerk shall take appropriate action, as provided in § 92.99 (D), Civil Remedies and Penalties, to correct the violation and to ensure compliance with this Ordinance.
 - iv. Emergency Enforcement Without Notice. On determining that delay in correcting the violation would pose a danger to the public health, safety, or welfare, the Town Clerk may seek immediate enforcement without prior written notice, by invoking any of the remedies authorized in § 92.99 (D), Civil Remedies and Penalties.
 - v. Repeat Violations. If the same violation is repeated by the same offender over any two-year period, the Town may commence the application of remedies or penalties at the stage in the process where the previous violation was resolved.
 - vi. Authority to Require Statements. The Town shall have the authority to require written statements, or the submission of reports under oath, with respect to pertinent questions relating to land-disturbing activities constituting a potential violation of this Ordinance.

(D) Civil Remedies and Penalties.

The Town may use any combination of the following remedies and penalties to enforce compliance with this Ordinance.

1. Issuance of Stop Work Order. Whenever a building or structure is being constructed, demolished, renovated, altered, or repaired in violation of any applicable provision of this Ordinance, the Town Clerk may issue a Stop Work Order. The Stop Work Order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.
2. Revocation of Development Approval or Permit. The Town Clerk may revoke any development approval or permit granted under this Ordinance, by written notice to the development approval or permit holder, when false statements or misrepresentations were made in securing the approval or permit, work is being or has been done in substantial departure from the approved application or plan, there has been a failure to comply with the requirements of this Ordinance, or a development approval or permit has been mistakenly granted in violation of this Ordinance. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval.
3. Denial or Withholding of Related Permits. The Town may deny or withhold a Certificate of Compliance/Occupancy in accordance with the Building Code— or deny or withhold any development approval, permit, or other authorization under this Ordinance to use or develop any land, structure, or improvements—until an alleged violation related to such land, use, or development is corrected and any associated civil penalty is paid.
4. Removal of Illegal Signs from Town-Maintained Streets. The Town may remove any sign placed within the right-of-way of a Town-maintained street in violation of the standards in this Ordinance.
5. Citation and Civil Penalties.
 - i. Violation of this Ordinance subjects the violator to a civil penalty in an amount of \$50 per day, prescribed by the Town Board of Commissioners in accordance with State law.
 - ii. Each day's continuing violation shall be a separate and distinct offense.
 - iii. To impose a civil penalty, the Town Clerk shall first provide the violator a written citation, either by personal service or certified mail, return receipt requested. The citation shall:
 1. Describe the violation;
 2. Specify the amount of the civil penalty being imposed;
 3. Direct the violator to, within 30 days after the date the citation is received, correct the violation, pay the civil penalty to the Town, or contest the citation by submitting a written request for an administrative hearing; and
 4. Advise the violator of the right to appeal the citation to the Board of Commissioners.
 - iv. If the violator requests for an administrative hearing within the deadline set forth in the citation, the Town Clerk shall schedule a hearing not less than ten days or more than 30 days after receiving the request, and shall provide the violator written notice of the time and place of the hearing. At the conclusion of the hearing, the Town Clerk shall make a final determination of whether the citation is warranted and, if finding that the citation is warranted, shall

order the violator to either pay the civil penalty to the Town or correct the violation within a set time limit. The Town Clerk shall also advise the violator of the right to appeal the citation to the Board of Commissioners. If the violator fails to either pay the civil penalty or correct the violation within the time limit set forth in the citation, or set an administrative hearing, or has failed to appeal the citation in a timely manner, the Town may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

6. Injunction. When a violation occurs, the Town may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.
 7. Order of Abatement.
 - i. In addition to other remedies, the Town may apply for and the court may enter into an Order of Abatement as part of the judgment in the case. An Order of Abatement may direct any of the following actions:
 1. That buildings or other structures on the land be closed, demolished, or removed;
 2. That fixtures, furniture, or other moveable property be moved or removed entirely;
 3. That improvements, alterations, modifications, or repairs be made;
 4. That removed trees be replaced; or
 5. That any other action be taken as necessary to bring the land, building, or structure into compliance with this Ordinance.
 - ii. The Town may execute the Order of Abatement and will have a lien on the land, building, or structure in the nature of a mechanic's and materialman's lien for the cost of executing the order.
 8. Equitable Remedy. The Town may apply to the appropriate court for any appropriate equitable remedy to enforce the provisions of this Ordinance. The fact that other remedies are provided under general law or this Ordinance shall not be used by a violator as a defense to the Town's application for equitable relief.
- (E) Cumulative Remedies and Penalties. The remedies and penalties provided for violations of this Ordinance, whether civil or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

END OF ARTICLE VII.

APPENDIX

**CERTIFICATION THAT A STATUTORY ZONING VESTED RIGHT IS BEING SOUGHT
PURSUANT TO G.S. 160A-385.1 G.S. 160D-102; 108; 108.1**

As applicant for a (identify land use approval or permit that is being sought), I hereby certify that I am also seeking to acquire a vested right pursuant to G.S. 160A-385.1 and Chapter _ of the City/Town Code.

If the City/Town Code provides that the approval authority for the type of land use approval or permit for which I am applying is a board, committee or administrative official other than the (governing board) or board of adjustment, I understand and agree that my application will be considered and acted on by the (governing board), following notice and a public hearing.

Date

Applicant

CONCLUSION OF ORDINANCE