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ZONING ORDINANCE OF THE TOWN OF RED SPRINGS,
NORTH CAROLINA

AN ORDINANCE ESTABLISHING ZONING REGULATIONS FOR THE TOWN OF RED SPRINGS, NORTH CAROLINA, AND ITS AREA OF EXTRATERRITORIAL JURISDICTION, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF.

Be it ordained and enacted by the Board of Commissioners of the Town of Red Springs, North Carolina, as follows:

ARTICLE I. TITLE, PURPOSE, JURISDICTION,
AUTHORITY, BONA FIDE FARMS,
EFFECTIVE DATE, AND REPEAL OF PREEXISTING ORDINANCE

Section 1. Title

This Ordinance shall be known, cited, and referred to as the Zoning Ordinance of the Town of Red Springs, North Carolina.

Section 2. Purpose

This Ordinance is designed to guide the growth of the various land uses of the Town and to encourage the future development of the Town in accordance with a land development plan so that the Town may realize its best potentialities as a place in which to live and work.

Section 3. Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the Town of Red Springs, North Carolina, and within the area of extraterritorial jurisdiction as now or hereafter defined, in accordance with the authority granted to North Carolina Municipalities by Article 19, Chapter 160A of the North Carolina General Statutes as shown on the Zoning Map on file with the Clerk of the Town of Red Springs, North Carolina.

Section 4. Authority

The provisions of this Ordinance are adopted under authority granted by Article 19, Chapter 160A of the General Statutes of North Carolina.

Section 5. Bona Fide Farms

This Ordinance shall in no way regulate restrict, prohibit or otherwise deter an bona fide farm within the Town of Red Springs or its extraterritorial jurisdiction.

Section 6. Effective Date

This Ordinance shall be in force from and after its adoption on June 22, 1978.

Section 7. Repeal of Preexisting Ordinance

All provisions of the Zoning Ordinance adopted by the Town of Red Springs on March 4, 1969 are hereby repealed.

ARTICLE II. INTERPRETATION

Section 1. General

In their interpretation and application, the provisions of this Ordinance shall be held minimum requirements adopted for the promotion of the public health, safety, and general welfare. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or Ordinances, the more restrictive or higher standard shall govern.

Section 2. Uniformity of Regulations

The regulations established by this Ordinance within each district shall apply uniformly to each class or kind of structure or land. Unless exceptions are specified in this Ordinance, the following interpretations shall apply:

- a. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, changed, constructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- b. No part of a yard, or other space, or off-street parking or loading space required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building unless specific exception therefor is stated in this Ordinance.
- c. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

Section 3. Interpretation of District Boundaries

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

- a. Boundaries along street, highway, or alley center lines or right-of-way lines shall be construed as following such lines;

- b. Boundaries along railroad tracks shall be construed as being midway between the main railroad tracks;
- c. Boundaries along plotted property lines and town limit lines shall be construed as following such lines;
- d. Boundaries indicated as following shorelines shall be construed to follow such shorelines and in event of change in the shoreline, shall be construed as moving with actual shoreline.
- e. In the absence of established features, or lines, or specified distances on the zoning map, district boundary locations shall be determined by scaling the distance on the map;
- f. Where physical conditions existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered herein, the Board of Adjustment shall interpret district boundary locations.
- g. Where a district zoning boundary divides a lot, the Board of Adjustment may, as a special exception, permit the extension of either zoning district into portions of the lot not to exceed 50 feet beyond the district boundary line.

Section 4. Conflict With Private Covenants or Deeds

In case of a conflict between this Ordinance and any private restrictions imposed by covenant or deed, the responsibility of the Administrative Official shall be limited to the enforcement of this Ordinance.

Section 5. Uses By Right

Uses not designated as permitted by right or subject to additional conditions in a district shall be prohibited from that district. Conditional uses are permitted subject to additional regulations imposed. These conditional uses may be approved only by the Board of Commissioners following proper application. Additional uses may be added to this Ordinance by amendment.

Section 6. Severability of Ordinance

If for any reason, any one or more parts of this Ordinance are held invalid, such judgement shall not invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific parts of this Ordinance held invalid.

Section 7. Height Limitation Exceptions

The height limitations of this Ordinance shall not apply to bell-towers, spires, monuments, chimneys, smokestacks, water towers, flag poles, television and radio masts, aerials, and similar structures.

ARTICLE III. NONCONFORMING USES

After the effective date of this Ordinance, preexisting lots or structures, or uses of lots or structures, which would be prohibited under the regulations for the district in which located, shall be considered as nonconforming. Nonconforming lots, structures, or uses may be continued provided they conform to the following provisions.

Section 1. Substandard Lots of Record

Any lot of record existing at the time of the adoption of this Ordinance, which has an area or width which is less than required by this Ordinance, shall be subject to the following exceptions and modifications:

a. Adjoining and Vacant Lots of Record

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

b. Lot Not Meeting Lot Size Requirements

Except as set forth in (a) in the above, if a lot, which was recorded prior to the passage of this Ordinance, fails to meet lot area or width requirements or both in a district where single family residences are permitted, such lot may be used as the location of a single-family dwelling with related accessory buildings. There shall be no alteration of minimum yard requirements on such lots except where the Board of Adjustments finds, after public hearing, that the value of neighboring properties would not be unduly depreciated nor the public safety or welfare unduly affected by such action. In no case shall the Board of Adjustment reduce the yard requirements by more than 40 percent.

Section 2. Extension of Nonconforming Uses

Nonconforming portions of buildings shall not hereafter be enlarged or extended in any way, provided, that a building which is nonconforming solely because of its encroachment in a required yard area may be extended in any lawful manner that does not further encroach in that yard.

Section 3. Change of Nonconforming Uses

Any nonconforming use may be changed to any conforming use, or with the approval of the Board of Adjustment, to any use more in character with the uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

Section 4. Cessation of Nonconforming Uses

If active operations of a nonconforming use are discontinued for a continuous period of twelve months, such nonconforming use shall thereafter be used only for a conforming use.

Section 5. Destruction of Nonconforming Uses

If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by any means to an extent of more than 50 percent of its assessed valuation at the time of destruction, such structure may not be restored as a nonconforming structure or for a nonconforming use. If destroyed by less than 50 percent but not restored within 24 months of the time such damage occurred, it may not be restored as a nonconforming structure or for a nonconforming use.

Section 6. Repair and Alteration of Nonconforming Uses

Normal maintenance and repair in a building occupied by a nonconforming use is permitted provided it does not increase the bulk of the structure nor extend the nonconforming use.

ARTICLE IV. DIVISION INTO DISTRICTS, OFFICIAL ZONING MAP

Section 1. Division of Zoning Area into Districts

The Town of Red Springs and its area of extraterritorial jurisdiction are hereby divided into districts as prescribed by this Ordinance and as shown on the Official Zoning Map, which, together with all explanatory material thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

Section 2. New Jurisdictional Areas

All territory which may hereafter be included within the zoning jurisdiction of the Town of Red Springs shall be placed in the Agriculture-Residence (A-R) District until otherwise classified by action of the Board of Commissioners according to Article XV of this Ordinance.

Section 3. Official Zoning Map

- a. Adoption: The boundaries of the districts are hereby established as shown on the Official Zoning Map. This map shall have affixed thereon:
 - (1) The date of adoption by the Planning Board;
 - (2) The date of adoption by the Board of Commissioners;
 - (3) The signatures of the Chairman of the Planning Board, the Mayor, and the Town Clerk of the Town of Red Springs.
- b. Scale: The Official Zoning Map for the Town of Red Springs shall be drawn at a scale of one inch equals four hundred feet (1" = 400") or greater, and it shall be and remain on file in the Town Hall.

ARTICLE V. DISTRICT USE REGULATIONS

Section 1. (O-S) Open Space District

a. Intent

The purpose of this district is to protect property owners and developers from making expensive improvements on property which is unsuitable for urban development because of flooding or other natural conditions.

b. Permitted Uses

1. Bona fide farms
2. Parks and recreational uses
3. Nature and/or wildlife preserves
4. Public utility lines and facilities

c. Permitted Accessory Uses and Structures

1. Agricultural buildings related to the operation of the farm on which they are located.

d. Off-Street Parking and Loading - as required in Article IX.

e. Signs - as permitted in Article VIII.

Section 2. (A-R) Agriculture-Residence

a. Intent

The intent of this district is to restrict the use of land to low density residential and agricultural purposes. The regulations of this district are intended to protect the agricultural sections of the community from an influx of uses likely to render them undesirable for farms and future development, and to insure that residential developments dependent upon private wells and/or septic tanks will occur at sufficiently low densities, as to insure a healthful environment.

b. Permitted Uses

1. Bona fide farms
2. Single-family dwelling units
3. Outdoor recreation and outdoor recreation facilities
4. *Retirement & Nursing Homes (Amend. Pg. 16)*

c. Permitted Accessory Uses and Structures

1. Customary home occupations
2. Stands to sell agricultural products produced on the premises, provided that sufficient off-street parking is provided off the street right-of-way

d. Conditional Uses

1. Religious uses including churches and other places of worship, religious education buildings, and parish houses, on the condition that proposed water supply and sewage disposal facilities are approved in writing by the County Health Officer.
2. Schools, colleges, libraries, and hospitals on the condition that proposed water supply and sewage disposal facilities are approved in writing by the County Health Officer.
3. Mobile homes and mobile home parks (See regulations contained in Article X.)
4. Multi-family dwellings.
- 5a. Beauty Shops (3/28/79)
5. Towers and Antennas more than 35 ft. in height. *(Amend. Pg. 20)*

e. Dimensional Requirements - as required in Article VI

f. Off-Street Parking and Loading - as required in Article IX.

g. Signs - as permitted in Article VIII.

9) Subv. Farms (6/4/13)
8. Drop Homes
Amend. Pg. 5, 6, 7
7. Home Jobs (11/1/65)
(Pg. 32 Amend.)

Section 3. (R) Residence

a. Intent

This district is established as an area in which the principle use of land is for residential purposes. The regulations of this district are intended to stabilize existing residential areas, promote well-planned new residential areas by limiting the occurrence of incompatible uses, and to promote a pleasant, healthful environment.

b. Permitted Uses

1. Single-family dwellings
2. Public parks and recreation facilities
3. Religious uses including churches and other places of worship, religious education buildings, and parish houses
4. Schools and libraries

5. Family Care Homes Amendments Pg 56, 77

c. Permitted Accessory Uses and Structures

1. Customary home occupations
2. Accessory Buildings

d. Conditional Uses

11. Beauty Shops (3/28/79); Outdoor Garden Center/Greenhouses (9/1/98)

1. Mobile homes and mobile home parks (See regulations Page 32) contained in Article X.)
2. Colleges and similar public institutions
3. Private day care centers and nurseries
4. Cemeteries
5. Public utility lines and facilities
6. Hospitals, convalescent homes, and nursing homes
7. Parking for nonresidential uses in adjacent non-residential districts
8. Private, nonprofit outdoor recreation facilities
9. Rooming and boarding houses
10. Multi-family dwellings Amend. Pg. 8

e. Dimensional Requirements - as required in Article VI.

f. Off-Street Parking and Loading - as required in Article IX.

g. Signs - as permitted in Article VIII.

9/1/98
Outdoor Garden Center
Amendment
(Pg. 24 Amend)

Section 4. (CB) Central Business

a. Intent

The purpose of this district is to accommodate the commercial and service activities which are characteristic of the major business center of the Town.

b. Permitted Uses

1. Retail shops and stores and service establishments whose operation is conducted entirely within an enclosed building.
2. Offices for business and professional purposes.
3. Social uses such as social halls, lodges, fraternal organizations, clubs, and similar activities.
4. Governmental offices and services.
5. Trades such as carpentry, electrical, plumbing, heating and ventilating shops; upholstery, decorating, paint and sign shops; and similar enterprises catering to household and business establishments, provided that all materials are stored and operations take place within an enclosed building.
6. Motels, hotels, boarding and rooming houses, and other similar establishments.
7. Religious uses including churches and other places of worship, religious education buildings, and parish houses.
8. Restaurants.
9. Tool and die shop
10. Convenience Stores

c. Permitted Accessory Uses and Structures

1. Any use or structure customarily incidental to a principal use or structure or to a conditional use for which a permit has been issued.

d. Conditional Uses

1. Pool rooms, amusement arcades, recreation centers for profit, and similar types of uses
 2. Flea markets
 3. Service stations and other auto related business establishments (See supplementary regulations)
 4. Outdoor produce sales - amendment
 5. Beauty Shops (3/28/79)
- 7.) OUTDOOR DISPLAY & SALE OF STORAGE BUILDINGS (1/7/14)*
- 6. FAMILY CARE HOMES (88-161) Amend. Pg. 11*

e. Dimensional Requirements - as required in Article VI.

f. Off-Street Parking and Loading - as required in Article IX.

g. Signs - as permitted in Article VIII.

h. Buffers

Buffers shall be required where a use permitted or conditionally approved in the Central Business district abuts land which is zoned Residence. The buffer shall be of continuous evergreen composition and be not less than six feet in height or less than three feet in width.

The buffering requirement may be waived by the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in undeveloped areas.

Section 5. (GB) General Business

a. Intent

It is the purpose of this district to accommodate a wide variety of commercial, wholesale, and retail businesses in areas adjacent to arterial traffic routes and in other areas that are unsuitable for residential development.

b. Permitted Uses

1. Shopping centers
- ② Retail shops, stores, and service establishments
3. Offices
4. Social uses such as social halls, lodges, fraternal organizations, clubs and similar activities
5. Trades such as carpentry, electrical, plumbing, heating and ventilating shops; upholstery, decorating, paint and sign shops; and similar enterprises catering to household and business establishments
6. Motels, hotels, boarding and rooming houses, and other similar establishments
7. Restaurants
- ⑧ Religious uses including churches and other places of worship, religious education buildings, and parish houses
9. Convenience stores

c. Permitted Accessory Uses and Structures

1. Any use or structure customarily incidental to a principal use or structure or to a conditional use for which a permit has been issued.

d. Conditional Uses

1. Trucking terminals, transfer companies, wholesale, jobbing, and warehousing facilities
2. Auto garages and other related businesses
3. Outdoor display, storage, or sale of vehicles^{*} or other equipment or material
4. Bingo parlors
5. Auction houses
6. Automobile service stations
7. Beauty Shops (3/28/79)

a means of conveyance, or a piece of machinery equipment

- e. Dimensional Requirements - as required in Article VI.
- f. Off-Street Parking and Loading - as required in Article IX.
- g. Signs - as permitted in Article VIII.
- h. Buffers

Buffers shall be required where a use permitted or conditionally approved in the General Business district abuts land which is zoned Residence. The buffer shall be of continuous evergreen composition and be not less than six feet in height or less than three feet in width. Additional buffering in the form of fencing may be required by the Planning Board where it is deemed necessary to protect the public health, safety, and general welfare.

The buffering requirement may be waived by the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in undeveloped areas.

Section 6. (I) Industry

a. Intent

The purpose of this district is to promote and protect existing industrial activities and potential sites which are considered suitable for future industrial use; to prohibit uses which would substantially interfere with the continuation of uses permitted in the district; and to promote the operation of well-planned and maintained industrial facilities.

b. Permitted Uses

1. Manufacturing, assembling, and processing industries
2. Wholesale, warehouse, and transfer activities
3. Bona fide farms
4. Service stations and other auto-oriented business establishments (*Conditional Use; Amended: 1-6-98*)
5. Public utility lines and facilities

c. Permitted Accessory Uses and Structures

1. Any use or structure customarily incidental to a principal use or structure.

d. Conditional Uses

1. Public buildings and uses such as fire and police stations
2. Junk yards and automobile wrecking yards
3. Sanitary landfills
4. Fertilizer manufacture or sale
- Beauty Shops (3/28/79)

- *Service Stations & other auto-oriented business establishments (Amended: 1/6/98)*
See pg. 26 of Amend. Ordinance

Public Journal (6/9/13)

87. Self-Service Laundry
9.7 SFA
10. Beauty Shops
Amend. B 3/28/77

5. Wholesale storage of gasoline or bulk terminal plants provided no above ground storage tank shall be closer than fifty feet to any property lines, and that the uses are in conformity with the state and local regulations governing the storage of combustible fuels.
6. Outdoor advertising signs
7. Towers and Antennas more than 35 ft. in height. (See Amend. Ppp. 20-21)
- e. Dimensional Requirements - as required in Article VI.
- f. Off-Street Parking and Loading - as required in Article IX.
- g. Signs - as permitted in Article VIII.
- h. Buffers

Buffers shall be required where a use permitted or conditionally approved in the Industry district abuts land which is zoned Residence. The buffer shall be of continuous evergreen composition and be not less than six feet in height of less than three feet in width. Additional buffering in the form of fencing may be required by the Planning Board where it is deemed necessary to protect the public health, safety, and general welfare.

The buffering requirement may be waived by the Planning Board along any boundary which is naturally screened by evergreen plant materials or topography, or may be deferred in undeveloped areas.

i. Fencing

Outdoor storage areas associated with permitted uses or approved conditional uses in the Industrial district shall be encompassed by a fence or wall at least six feet high.

Section 7. (P) Professional

a. Intent

The purpose of this district is to accommodate professional and institutional activities and office buildings in areas adjoined on one side by central business and general business districts and on the other side by residential districts and to provide a transition zone from commercial to residential uses.

b. Permitted Uses

- (1) Offices for professional purposes
- (2) Social uses such as social halls, lodges, fraternal organizations, clubs and similar activities
- (3) Financial institutions
- (4) Religious uses, including churches and other places of worship, religious educational buildings and parish houses
- (5) Governmental offices and services.

c. Permitted Accessory Uses and Structures

Any use or structure customarily incidental to a principal use or structure or to a conditional use for which a permit has been issued.

d. Conditional Uses

- (1) Rooming and boarding houses.
- (2) Colleges and similar public institutions.
- (3) Private day care centers and nurseries.
- (4) Cemeteries.
- (5) Public utility lines and facilities.
- (6) Hospitals, convalescent homes, and nursing homes.
- (7) Parking for nonresidential uses in adjacent nonresidential districts.
- (8) Private, nonprofit outdoor recreation facilities.
- (9) Beauty Shops (3/28/79)

e. Dimensional Requirements - as required in Article VI.

f. Off Street Parking - as required in Article IX.

g. Signs - as permitted in Article VIII.

h. Buffers

Buffers shall be required where a use permitted or conditionally approved in the Professional district abuts land which is zoned Residence. The buffer shall be of a continuous ever-green composition and be not less than six feet in height or less than three feet in width.

Section 8. (R-MH) Mobile Home Residential

a. Intent

This district is established as an area in which the principal use of land is for residential purposes similar to the (R) Residential district. However, in addition to the uses permitted in the (R) Residence district, mobile homes are permitted on individual lots.

b. Permitted Uses

1. Single-family dwellings.
2. Multi-family dwellings.
3. Mobile homes. (See regulations contained in Article X.)
4. Public parks and recreation facilities.
5. Religious uses including churches and other places of worship, religious education buildings, and parish houses.
6. Schools, and libraries.

(10) SR (SEE Amend Section)
Pg. 1-04

c. Permitted Accessory Uses and Structures

1. Customary home occupations.

d. Conditional Uses

1. Mobile Home Parks (See regulations contained in Article X).
2. Colleges and similar public institutions.
3. Private day care centers and nurseries.
4. Cemeteries.
5. Public utility lines and facilities.
6. Hospitals, convalescent homes, and nursing homes.
7. Parking for nonresidential uses in adjacent nonresidential districts.
8. Private, nonprofit outdoor recreation facilities.
9. Rooming and boarding houses.

e. Dimensional Requirements - as required in Article VI.

f. Off-Street Parking and Loading - as required in Article IX.

g. Signs - as permitted in Article VIII.

Section 9. (R-1) Mobile Home Residential

Attached *Amend. Pg. 17-18 & 19*

Section 9a. (GB-1) General Business

Attached

ARTICLE VI. DISTRICT DIMENSIONAL REQUIREMENTS

DISTRICT	MINIMUM LOT AREA	LOT SIZE MINIMUM AREA/UNIT	MINIMUM WIDTH	MINIMUM YARD REQUIREMENTS			MAX. BLDG HGT.
				SETBACK	SIDE YARD	REAR YARD	
OS	OPEN SPACE	N/A	N/A	N/A	N/A	N/A	N/A
A-R	AGRICULTURAL-RESIDENTIAL Single-family dwellings Non-residential uses	20,000 sq. ft. 1 acre	20,000 sq. ft.* N/A	90'*** 150'	50'*** 50'	12' 25' 25'	35' 35'
R	RESIDENCE Single-family dwellings Multi-family dwellings Non-residential uses	10,000 sq. ft.# 20,000 sq. ft. 20,000 sq. ft.	10,000 sq. ft.# 5,000 sq. ft. N/A	75' 90' 90'	25' 25' 25'	10' 15' 20' 25'	35' 35' 35'
CB	CENTRAL BUSINESS	N/A	N/A	25'	N/A	N/A	50'
GB	GENERAL BUSINESS	20,000 sq. ft.	20,000 sq. ft.	100'	50'	N/A	35'
GB-I	GENERAL BUSINESS	<u>15,000 sq. ft.</u>	<u>15,000 sq. ft.</u>	<u>75'</u>	<u>50'</u>	<u>N/A</u>	<u>35'</u>
I	INDUSTRY	30,000 sq. ft.	30,000 sq. ft.	150'	30'	25'+	50'
P	PROFESSIONAL	10,000 sq. ft.	10,000 sq. ft.	75'	25'	15'	35'
R-MH	MOBILE HOME RESIDENTIAL Single-family dwellings Multi-family dwellings Mobile Homes Non-Residential Uses	10,000 sq. ft.# 20,000 sq. ft. 5,000 sq. ft.# 20,000 sq. ft.	10,000 sq. ft.# 20,000 sq. ft. 5,000 sq. ft.# N/A	75' 90' 50' 90'	25' 25' 15' 25'	10' 15' 15' 20' 25'	35' 35' 20' 35'

N/A - Not Applicable

* May be reduced to 10,000 sq. ft. per lot when public sewer and water is provided, or 15,000 sq. ft. per lot when either public water or sewer is provided.

** May be reduced to a 75 foot width and 25 foot building setback when public sewer and/or public water is provided.

+ Where an industrial lot abuts a residentially zoned lot, the side yard and rear yard shall be at least fifty feet wide.

Where a lot is not provided with both public water and sewer, the minimum lot area/size shall be 15,000 sq. ft.

" Accessory Buildings" - SEE ARTICLE VII, SECTION 5

ARTICLE VII. GENERAL PROVISIONS

Section 1. Visibility at Intersections in Residential Districts

On a corner in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 1/2) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty (50) feet from the point of intersection.

Section 2. Fences and Walls *(Amended: 1-5-99; Attached). Amend. pg. 22*

Fences and walls may be permitted in any required yard, or along the edge of any yard, subject to the following height limitations. Fencing and walls surrounding commercial storage areas or public property shall not exceed six (6) feet in height. Fences and walls on residential lots shall not exceed six (6) feet in height. Fences and walls in front yards shall not exceed four (4) feet in height.

Section 3. Building Setbacks for Dwellings

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

Section 4. Street Access

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

Section 5. Accessory Buildings

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

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

Section 6. Temporary Buildings *(See Amend. Pg. 14+15)*

Temporary buildings or mobile homes used for non-residential purposes may be located in any zoning district, but only if they are temporary uses (such as construction offices, equipment storage receptacles, or temporary offices) and only if temporary building permits are initially obtained from the Building Inspector and renewed every 90 days thereafter.

Section 7. Erection of More Than One Principal Structure on a Lot

In the residential district, no more than one structure housing a permitted or permissible principal use may be erected on a single lot.

Section 8. Multi-Family Dwellings

- a. The following space requirements between building walls having window or door openings shall be maintained within a multi-family housing development:
 - (1) A building wall having both window and door openings shall be located no closer than 50 feet to another building.
 - (2) A building wall having only window openings or only door openings shall be located no closer than 25 feet to another building.
 - (3) Any group of buildings forming a courtyard shall have at least 25 percent of the perimeter of such courtyard open for access by emergency vehicles.

- b. Automobile parking spaces and drives shall not be located closer than thirty feet to the front or twenty feet to the side or rear of any dwelling.

Section 9. Private Day Care Centers and Nurseries

- a. There shall be a minimum of five hundred (500) square feet of total lot area per child or pupil.
- b. There shall be a minimum of two hundred square feet of fenced play area per child, no part of which shall be within any required front or side yard.
- c. No play equipment shall be located in any required front or side yard.

Section 10. Service Stations (and other Auto-Oriented Commercial Establishments)

Development standards for filling stations, commercial parking areas, automobile repair shops, drive-in restaurants and similar establishments catering to customers conducting business transactions primarily while in their automobiles.

- a. Entrances and Exits:
 - (1) Shall be a minimum of 100 feet, as measured along each side of the street on which they abut, from any school, public playground, church, hospital, public library, or institution for dependents or children.
 - (2) Shall be a minimum of 100 feet from any residential district located on either side of the street on which the entrance or exit abuts.
 - (3) Shall be a minimum of 20 feet from any corner as measured from the point where the right-of-way lines meet or from the midpoint of the curve where a corner exists but is not an intersection ("L" curve in a street).
- b. All areas subject to regular use by vehicles shall be paved.

Section 11. Parking and Storage of Certain Vehicles

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

Section 12. Driveways

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

Section 13. Curb Cuts Giving Access to Public Right-of-way

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

Section 14. Standards for Effluent and Emissions

All effluent and emissions into the air or surface or ground waters from new development permitted by this Ordinance must be in conformity with applicable federal, state, county, or town Health and Environmental Quality regulations.

Section 15. Sedimentation Control

All land-disturbing activities shall meet the requirements of the Sedimentation and Pollution Control Act of 1973.

Section 16. Height Limitations Exception (Pg 12 Amend.)
Section Family Care Homes (Amend. Pg. 5, 6, & 7)
Section Group Homes (Amend. pg. 5, 6 & 7)

ARTICLE VIII. SIGN REGULATIONS

Section 1. Purpose

The purpose of these regulations is to minimize any detrimental effects of signs on adjacent land uses, and to insure that permitted signs do not become a public nuisance or hazard. All signs erected, altered, relocated, or maintained shall be in accordance with the provisions of this Article.

Section 2. Signs Prohibited

- a. Signs not to Constitute Traffic Hazards - No sign or advertising structure shall be erected or maintained at the intersection of any streets or roads so as to obstruct free and clear vision; or at any location where, by reason of the position, illumination, shape or color, it may impair, obstruct the view or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "stop", "look", "drive-in", "danger" or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- b. Signs Erected on Public Streets - No sign shall be erected or maintained within any public street right-of-way nor be allowed to extend over or into any public street, provided that this section shall not apply to public signs necessary in the performance of a governmental function or required to be posted by law.
- c. Obstruction of Ingress or Egress of Building - No sign shall be erected or maintained that obstructs ingress and/or egress to or from any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress or egress to or from any room or building as required by law.
- d. Obscene Matter Prohibited - No sign shall be erected or maintained which bears or contains statements, words, or pictures of an obscene character.
- e. Signs on Private Property; Consent Required - No sign may be erected by any person on private property of another person without first obtaining the verbal or written consent of such owner.
- f. Mobile Signs - Signs or advertising structures having the capability of being transported from one site to another shall be prohibited.

Section 3. Signs Permitted in All Districts

The following signs shall be permitted in all zoning districts:

- a. Directional and Information Signs erected and maintained by public agencies and governmental bodies.
- b. Temporary Real Estate Signs not to exceed twelve square feet in area displayed on the property proposed for sale or lease and located on private property behind the property line. Such signs may be indirectly illuminated in non-residential districts.
- c. Bulletin Boards - Churches, schools, community centers, and other public and institutional uses may erect one sign or bulletin board not exceeding 12 square feet in area for the purpose of displaying the name of the institution and related information. Such signs shall be used as wall signs or shall be located a minimum of 12 feet from the street lot line and side lot or property lines. Where side yards are required, no such sign shall be permitted in the required side yards. Such signs may be indirectly illuminated.
- d. Temporary Construction Signs which denote the architect, engineer, contractor, or builder of the project or which describe the name and proposed use of the project may be placed on the site until construction is completed.
- e. Identification Signs not to exceed six square feet in display area bearing only addresses or names of occupants of the premises and located on privately owned property.
- f. Memorial Plaques, cornerstones, historical tablets, and similar signs.
- g. Instructional Signs, erected on private property, not to exceed six square feet in display area, erected strictly for the direction, safety or convenience of the public, including signs which identify restrooms, parking area entrances or exits, height entrances and similar devices, warning, danger and no trespassing signs.

Section 4. Business Signs

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

- a. Signs for customary home occupations shall not exceed six square feet in display area.
- b. Business signs shall not project more than one foot from any building wall or canopy.

- c. If suspended from a canopy, the sign must be at least eight feet above the sidewalk level.
- d. Non-illuminated signs shall have a total surface area in square feet per establishment no greater than two times the street frontage of the lot, in feet, but in no case greater than 150 square feet. Reader board - 20 square feet. (3/6/90)
- e. Illuminated signs shall have a total sign surface area in square feet per establishment no greater than two times the street frontage of the lot, in feet, but in no case greater than 100 square feet. Display lighting shall be shielded so as to present a direct view of the light source from a residence in a residential district. No intermittent lighting effects may be utilized. Reader board - 20 square feet (3/6/90).
- f. Freestanding signs shall be located not less than twelve (12) feet from the street lot line or behind the setback line, whichever is greater. No freestanding sign shall be located in a required side yard or within ten (10) feet of the side property line.
- g. Signs in shopping centers shall be subject to the following limitations:
 - (1) Each shopping center may provide not more than one freestanding sign that displays the name of the shopping center.
 - (2) Detached buildings that are designed to contain not more than one business, may display not more than two business signs.
 - (3) Businesses located in attached buildings may display not more than one business sign.

*Amend.
Pg. 13*

*Pg. 10
Amend.*

Section 5. Outdoor Advertising Signs

Outdoor advertising signs are permitted as a conditional use in the Industry district subject to the following limitations:

- a. The maximum size of the display area of outdoor advertising signs shall be 300 square feet for single-face signs and 300 square feet for each face of double face signs.
- b. They must meet all requirements of the district applying to the principal structures with regard to yards, setbacks, and height requirements. Further, the minimum height of the lowest portion of any display surface shall be elevated to a height of eight feet from the ground level.
- c. Such signs shall not be located within 100 feet of any residential district.

- d. Such signs shall not be permitted within 300 feet of an existing advertising sign or structure.
- e. No outdoor advertising sign shall be erected or maintained within 600 feet of the nearest edge of the right-of-way of interstate or primary highways, except as allowed by the North Carolina General Statutes.
- f. Lighting
 - (1) Display lighting of signs shall be shielded so as to prevent the direction of such light into any structure used primarily for residential purposes.
 - (2) No rotating, revolving or intermittent lighting devices shall be attached to or made a part of, any outdoor advertising sign.

Section 6. Permits

No person shall construct or maintain any sign within 660 feet of the nearest edge of the right-of-way of the interstate or primary highway system without first obtaining a permit from the North Carolina Department of Transportation as required by the North Carolina General Statutes.

Section 7. Nonconforming Signs

The North Carolina Department of Transportation is authorized to acquire by purchase, gift or condemnation all signs and property rights pertaining thereto which are prohibited under the provisions of the North Carolina General Statutes.

ARTICLE IX. PARKING AND OFF-STREET LOADING REQUIREMENTS

Section 1. Off Street Parking Requirements

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, guests 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, together with adequate driveway and maneuvering space. Such parking space may be provided in a parking garage or properly graded or paved open space. The provisions of this section shall not apply to existing buildings in the Central Business District.

a. Certification of Minimum Parking Requirements

Each application for a building permit submitted to the Administrative Official as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be of sufficient detail to enable the Administrative Official to determine whether or not the requirements of this section are met.

b. Combination 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 1/2 of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

c. Remote Parking Spaces

If the off-street parking space required by this Ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space 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.

d. Minimum Parking Requirements

Minimum length of space - 20 feet

Minimum width of space - 9 feet

Section 2. Guide to Calculating Number of Required Parking Spaces

Residential Uses

Required Parking Spaces

Single-family dwellings

Two (2) Parking spaces per dwelling unit.

Multi-family, public housing

One and one-half (1/2) parking spaces per dwelling unit.

Mobile homes (on individual lots permitted in Section 7 (R-MH))

Two (2) parking spaces per mobile home.

Rooming houses, boarding houses, motels, hotels, and tourist homes

One parking space for each bedroom or unit rented plus one (1) space for each two (2) employees.

Home occupations

Doctors and dentists

Five parking spaces in addition to residence requirements.

Beauty shops

Three parking spaces in addition to residence requirements.

Other

One (1) parking space in addition to residence requirements.

Public and Semi-Public

Mortuaries and funeral homes

One (1) parking space for each four (4) seats in the parlor or chapel.

Churches, theaters, and auditoriums

One (1) parking space for each four (4) seats in the principal place of assembly.

Schools

One (1) space for each staff member and employee, plus one (1) space for each ten (10) students in grades 10-12. (Spaces should be calculated for the maximum staff and students for which building was designed.)

Stadium

One (1) parking space for each four (4) seats for spectators.

Residential Uses

Hospitals, nursing and rest homes

Day nurseries, kindergartens

Offices and Professional Services

Office buildings, banks and similar institutions

Medical offices and clinics

Services and Retail Business

Retail business and service establishments

Shopping centers

Service stations

Auto service and/or sales

Restaurants

Pool halls and billiard parlors

Required Parking Spaces

One (1) space for each employee on the largest shift plus one (1) space for each two (2) beds.

One (1) space for each staff member and employee plus one (1) space for each five (5) students.

One (1) space for each two hundred (200) square feet of gross floor area.

Five (5) spaces for each doctor, dentist or other professional practicing at the clinic, plus one (1) space for each employee.

One (1) space for each two hundred (200) square feet of gross floor area, plus one (1) space for each company vehicle.

One (1) parking space for each one hundred (100) square feet of gross floor area.

Two (2) spaces for each gas pump plus three (3) spaces for each grease rack or other working bay.

Four (4) spaces for each maintenance stall plus adequate spaces to accommodate all new and used retail units and customer parking generated by retail sales.

One (1) space for each three (3) seats, plus one (1) space for each two (2) employees on the largest shift.

Two (2) spaces for each table

Services and Retail Business

Required Parking Spaces

Bowling alleys

Three (3) spaces for each alley plus one (1) space for each two (2) employees

Manufacturing, Processing and Wholesale Trade

Manufacturing industries

One (1) space for each employee on the largest shift, plus one (1) space for each company vehicle.

Additional reserved parking spaces shall be provided for visitors equal to five (5) percent of the employee parking spaces when there are forty (40) or more employees.

Wholesale, retail and commercial storage

One (1) space for each employee plus one (1) space for each company vehicle stored at the site.

Section 3. Parking Lot Improvements Required

- a. All off-street parking, including entrances, exits, and maneuvering and parking areas shall:
 - (1) have access to a street or alley with a minimum width of nine (9) feet for access ways serving residential uses and minimum width of twelve (12) feet for access ways serving non-residential uses;
 - (2) be graded;
 - (3) have the access drives(s) paved from the existing street paving to a point at least fifteen (15) feet beyond the public right-of-way, except that residential uses requiring less than five spaces shall be exempt from this paving requirement;
 - (4) be permanently maintained by the owners.
- b. In addition all parking lots that are used regularly at least five days per week, except as provided below, shall be paved with asphalt or concrete up to the required paved driveway. This paving requirement shall not apply to:

- (1) parking lots used only by churches, private clubs, or similar organizations on an irregular schedule, and
- (2) parking lots for residential uses where less than five spaces are required.

Section 4. Off-Street Loading and Unloading Requirements

- a. All uses and establishments commenced hereafter shall provide off-street loading space sufficient to allow all loading and unloading of vehicles to take place entirely within the property lines of the premises.
- b. Loading berths shall have the following minimum dimensions: width - 12 feet; length - 55 feet; and height clearance - 15 feet.
- c. Such berths shall be designed, along with the means of egress and ingress to such berths, so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way.
- d. The minimum number of off-street loading berths to be provided by individual establishments shall be according to the following schedule:
 - (1) Retail and Service Establishment - One berth for every 20,000 square feet of gross floor area; or portion thereof; however, two or more adjoining establishments with a total gross floor area of less than specified herein shall be considered as one establishment provision.
 - (2) Office Buildings, Hotels, and Other Institutional Uses - one berth for every 50,000 square feet of gross floor area or portion thereof.
 - (3) Industrial and Wholesale Establishments - One berth for every 10,000 square feet of gross floor area, or portion thereof.
- e. The off-street loading space provided as required by this section shall be permanent space and shall not be used for any other purpose.
- f. A loading space requirement may be waived by the Board of Adjustment on application due to a limited need for loading space based on the nature of the building.

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ARTICLE X. MOBILE HOME AND MOBILE HOME PARK REGULATIONS

Mobile homes on individual lots shall be permitted in the Residential Mobile Home District. Mobile home parks shall be permitted as a conditional use only, and may be developed following approval of an application for a conditional use permit. The following conditions must be met before approval of a mobile home on an individual lot or before approval of a conditional use permit for a mobile home park.

Section 1. Mobile Homes on Individual Lots - Requirements

- a. Tie Down and Anchoring Requirements. Mobile homes shall be surely anchored to the ground by means of a tie down system. When the mobile home is factory equipped with a tie down system designed by a registered architect or engineer, then the owner is to use the manufacturer's set of instructions as the standard of proper tie-down procedures. If no such set of instructions is available or if the system has not been designed by a licensed architect or engineer, then the administrative official is to enforce standards listed in the "State of North Carolina Regulations for Mobile Homes" booklet published by the North Carolina Department of Insurance.
- b. Storage of Possessions. Storage of possessions and equipment in the area beneath a mobile home shall be prohibited.
- c. Underpinning. The space under a mobile home shall be properly underpinned so as to prevent the growth of vegetation or the harboring of animals under the mobile home.

Section 2. Mobile Home Park Requirements

- a. Area. The area of the mobile home park shall be a minimum of two acres, and the park shall have a minimum of five mobile home spaces available at first occupancy.
- b. Density. Each mobile home shall be on a plot at least 5,000 square feet in area, have a width of at least 50 feet and a depth of at least 100 feet.
- c. Utilities. The mobile home park and all occupied units located in it must be connected to the municipal water and sewerage systems or other systems approved by the Robeson County Health Department or the N. C. Department of Human Resources and the N. C. Department of Natural Resources and Community Development, Division of Environmental Management.
- d. Access and Parking. Paved, privately maintained, roadways must be provided for access to individual units and other facilities located within the park. Required parking spaces are not required to be paved.

- e. Other Permitted Uses. Service buildings, recreation buildings, and other areas or structures providing laundry, sanitation, and managerial facilities are permitted subject to approval of the Planning Board. Such facilities shall serve only the park in which it is located. No such facility shall have direct access to a public street but shall be served by the privately maintained roadway.
- f. Buffers. A densely planted buffer strip of continuous evergreen composition not less than six feet in height or less than three feet in width shall be provided along all rear and side property lines of the park.

Section 3. Mobile Home Space Requirements

Mobile home units shall be located only in spaces which meet the following requirements:

- a. Access. Each space shall have access to an interior roadway with a paved width of at least 18 feet. No space shall have direct access to a public street.
- b. Clearance. Each space shall be designed so that at least 30 feet clearance will be maintained between units and other structures within the park.
- c. Setbacks. Mobile home units shall be located so that a 15 foot setback is maintained from the centerline of the private interior roadway.
- d. Utilities. Each space shall have hook-up facilities for water, sewer, electricity, and telephone services. All occupied mobile home units shall have and use approved sanitary facilities within the mobile home unit.
- e. Parking. At least one of the two required parking spaces shall be located on or adjacent to each mobile home space.

Section 4. Additional Requirements

- a. Recreational Areas. When a mobile home park shall contain at least twenty lots, a recreation area will be developed and maintained that shall include not less than eight percent of the total park area. The minimum size of any recreation area shall be 2,500 square feet. Lakes, ponds, rivers, streams, swamps, and marsh lands shall not be considered as meeting, in part or in whole, the recreation area requirements of this section.

- b. Tie Down and Anchoring Requirements. Mobile homes shall be securely anchored to the ground by means of a tie down system. When the mobile home is factory equipped with a tie down system designed by a registered architect or engineer, then the owner is to use the manufacturer's set of instructions as the standard of proper tie-down procedures. If no such set of instructions is available or if the system has not been designed by a licensed architect or engineer, then the Administrative Official is to enforce standards listed in the "State of North Carolina Regulations for Mobile Homes" booklet published by the North Carolina Department of Insurance.
- c. Storage Buildings. Each mobile home lot may be equipped with storage building not to exceed ten feet by ten feet (10' x 10') provided that all such buildings are located adjacent to the rear lot line.
- d. Storage of Possessions. Storage of possessions and equipment in the area beneath a mobile home shall be prohibited.
- e. Underpinning. The space under each mobile home shall be properly underpinned so as to prevent the growth of vegetation or the harboring of animals under the mobile home.

Section 5. Responsibilities and Duties of Park Operators

- a. Mobile Home Park Maintenance. Mobile home park operators shall be required to provide adequate supervision to maintain the park in compliance with the requirements of this Ordinance. Further, the mobile home park operators shall keep all park owned facilities, improvements, equipment and all common areas in good repair and maintained in such a manner as to prevent the accumulation or storage of materials which would constitute a fire hazard or would cause insect or rodent breeding and harborage.
- b. Placement and Anchoring. Operators shall be required to supervise the placement of all mobile homes to guarantee that they are properly anchored and attached to utilities.
- c. Assist County Tax Supervision. Operators shall be required to comply with G.S. 105-316(a)(1), which requires that as of January 1 of each year each operator of a park renting lots for six (6) or more mobile homes furnish to the county tax supervisor the name of the owner of and a description of each mobile home located in the park.
- d. Solid Waste Disposal. The park operator will operate or provide for the operation of a solid waste disposal system, including providing park tenants with appropriate containers.

Section 6. Procedure for Securing Approval of Mobile Home Parks

a. Mobile Home Park Initial Permit Application Procedure

1. Prior to the construction of a new mobile home park or the expansion of an existing mobile home park, the developer shall make application to the Administrative Official for a permit to construct or expand such a park. The application shall be accompanied by five (5) copies of the proposed park plan. Such application must be received at least seven (7) days prior to a regularly scheduled meeting of the Planning Board, if the application and proposed park plan is to be reviewed by the Planning Board at that time.
2. The park plan shall be drawn at a scale of fifty (50) feet to one (1) inch or larger and shall include the following:
 - (a) The name of the park, the names and addresses of the owner or owners, and the designer or surveyor.
 - (b) Date, scale, and approximate North arrow.
 - (c) Boundaries of the tract shown with bearings and distances.
 - (d) Site plan showing streets, traffic circulation, driveways, recreation areas, parking spaces, service buildings, water courses, easements, mobile home lots, lot numbers, all structures to be located on the park site, and total acreage of the park.
 - (e) Vicinity map showing the location of the park and the surrounding land usage.
 - (f) Names of adjoining property owners.
 - (g) The existing and proposed utility system for surface water drainage, street lights, water supply, and solid waste and sewage disposal facilities.
 - (h) Certification of approval of water supply system plans by (a) the County Health Department for a system with between two and nine connections, or (b) the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources for a system with ten or more connections.
 - (i) Certification of approval of sewerage collection systems by (a) The North Carolina Department of Natural Resources and Community Development, Division of Environmental Management, for a system

with a capacity of 3,000 gallons or more, or (b) the County Health Department for private septic tanks or sewerage collection systems with a capacity of under 3,000 gallons.

- (j) Certification of approval of solid waste storage, collection, and disposal plans by the County Health Department.
- (k) Land contours with vertical intervals of not less than two (2) feet for all mobile home parks with twenty-five (25) mobile home spaces or more.
- (l) Certification of lot approved by Soil and Water Conservation District, including suitability for septic tank systems, if used.

b. Review of the Proposed Mobile Home Park Plan

The Administrative Official shall transmit the proposed park plan to the Planning Board for review at its next meeting.

- 1. The Planning Board shall review the proposed mobile home park plan to determine if it is in accordance with the requirements set forth in this Ordinance.
- 2. If the Planning Board should disapprove the proposed park plan, the reasons for such action and the recommended changes shall be given to the developer or his agent.
- 3. If the Planning Board approves the proposed park plan, one approved copy shall be sent to the Administrative Official and one approved copy shall be given to the developer or his agent.

c. Issuance of Initial Permit and Business License

- 1. After receiving approval of the proposed mobile home park plan, the Administrative Official is authorized to issue an initial permit. The intent of this permit is to enable the construction of the park according to the proposed plan, but shall not be construed to entitle the applicant to offer spaces for rent or lease, or to operate a mobile home park.
- 2. If construction of the mobile home park has not begun within twelve (12) months from the issued date of the initial permit, the Planning Board may grant an extension of the permit when the applicant shows reasonable cause for the delay.

3. When the developer has completed the construction of the mobile home park he shall apply to the Administrative Official for a business license. The Administrative Official and a representative of the County Health Department shall make an on-site inspection of the park.
 - (a) If the park conforms to the plan approved by the Planning Board and other agencies, the Administrative Official shall issue the developer a business license.
 - (b) If the park does not conform with the approved plan, the Administrative Official shall delay issuance of the business license until it comes into conformity.
4. The business license issued to the applicant shall constitute the authority to operate the mobile home park. The business license shall expire after a two year period and must be renewed to be valid.
5. When a mobile home park is to be developed in stages, the proposed plan may be submitted for the entire development, and application for a business license may be made for each stage completed.
6. Violation of any of the Ordinance requirements constitutes grounds for refusing to issue a license or renew a license or to revoke an issued license. Operating a mobile home park without a valid license is a misdemeanor punishable under the terms of this Ordinance.
7. Mobile home parks existing prior to the adoption of this Ordinance shall be required to obtain a conditional business license within a reasonable time after the adoption of this Ordinance. The conditional business license shall be issued by the Administrative Official when the existing mobile home park complies with the standards contained in Section 2.c Utilities, Section 4.d Storage of Possessions, and Section 5. Responsibilities and Duties of Park Operators.

ARTICLE XI. ADMINISTRATION AND ENFORCEMENT

Section 1. Administrative Official

- a. The Administrative Official shall administer and enforce the provisions of this Ordinance. The Administrative Official may be provided with the assistance of such other persons as the Town Board may direct.
- b. All questions arising in connection with the enforcement or interpretation of this Ordinance, except as otherwise expressly provided for, shall first be presented to the Administrative Official. The decision of the Administrative Official may be appealed to the Board of Adjustment. From the decision of the Board of Adjustment, recourse shall be to appeal the decision to the courts as provided by law.
- c. If the Administrative Official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person(s) responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it.
 - (1) He shall order the discontinuance of illegal use of land, buildings, or structures;
 - (2) Removal of illegal buildings or structures, or of additions, alterations, or structural changes thereto;
 - (3) Discontinuance of any illegal work being done; or
 - (4) Shall take any other action authorized by law to insure compliance with or to prevent violation of the provisions of this Ordinance.

Section 2. Building Permit Required

After the adoption of this Ordinance it shall be unlawful to establish, move, or alter any use other than bona-fide farms unless a building permit is applied for and issued by the Administrative Official.

A temporary building permit may be issued by the Administrative Official for a period not exceeding 90 days during alterations or partial occupancy of a building pending its completion or for bazaars, carnivals, or religious revival provided that such temporary permit may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Administrative Official shall maintain a record of all building permits and copies shall be furnished upon request to any person.

Failure to obtain a building permit shall be a violation of this Ordinance and punishable under Article XI, Section 8.

Section 3. Building Permit Application

All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the following information:

- a. The shape and dimensions of the lot to be built upon;
- b. The exact sizes and locations, on the lot, of buildings already existing, if any, and the location and dimensions of the proposed building or alteration;
- c. The location and dimensions of off-street parking and loading space and the means of ingress and egress to such space; and
- d. Such other information as may be required by the Administrative Official to determine conformance with, and provide for the enforcement of this Ordinance.

One copy of the plans shall be returned to the applicant by the Administrative Official after he shall have marked such copy either as approved or disapproved and attested to same by his signature to such copy. The second copy of the plans, similarly marked, shall be retained by the Administrative Official.

Section 4. Fees

The Town Board shall set a fee, payable to the Town of Red Springs, North Carolina, to cover the necessary processing cost of all permits. The set fee shall be posted in the Administrative Official's office.

Section 5. Expiration of Building Permit

If the work described in any building permit has not begun within 6 months from the date of issuance thereof, said permit shall expire.

If after commencement, the work is discontinued for any period of 12 months, the permit shall immediately expire and further work as described in the expired permit shall not proceed unless and until a new building permit has been obtained.

Section 6. Construction and Use to be Stated on Building Permit

Building permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article XI. Section 8.

Section 7. Certificate of Occupancy

No new building or part thereof shall be occupied and no addition or enlargement of any existing building shall be occupied, and no existing building after being altered or moved shall be occupied, and no change of occupancy shall be made in any existing building or part thereof, until the Administrative Official has issued a certificate of occupancy therefore. The change of occupancy provision shall not apply to rooms intended for transient rental or to re-rental of individual apartment units.

A temporary certificate of occupancy may be issued for a portion or portions of a building which may safely be occupied prior to final completion and occupancy of the entire building.

Application for a certificate of occupancy may be made by the owner or his agent after all final inspections have been made for new buildings, or in the case of existing buildings, after supplying the information and data necessary to determine compliance with this Ordinance and appropriate regulatory codes of the city of the occupancy intended. The Administrative Official shall issue a certificate of occupancy when, after examination and inspection, it is found that the building in all respects conforms to the provisions of the Ordinance and appropriate regulatory codes of the town for the occupancy intended.

Section 8. Penalties

Any person violating any provision of this Ordinance or who continues to work upon any structure after having received written notice to cease work from the Administrative Official, shall be guilty of a misdemeanor and upon conviction punished by a fine not to exceed fifty dollars or ten days imprisonment. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor and left at his known place of residence or place of business.

ARTICLE XII. CONDITIONAL USES

Section 1. Purpose

The development and execution of this Ordinance is based upon the division of the Town of Red Springs into districts within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use in the particular location. Such conditional uses fall into two categories:

- a. Uses publicly operated or traditionally affected with a public interest.
- b. Uses entirely private in character, but of such unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

Section 2. Application for Conditional Use

a. Initiation of Conditional Use

Any person having freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.

b. Application for Conditional Use Permits

Application for the Conditional Use Permits, signed by the applicant, shall be addressed to the Board of Commissioners and presented to the Administrative Officer. Each application shall contain or be accompanied by such legal descriptions, maps, plans and other information so as to completely describe the proposed use and existing conditions. The application shall be forwarded to the Board of Commissioners and the Administrative Officer shall notify the Chairman of the Planning Board of the application.

c. Fee

The Board of Commissioners shall set a fee, payable to the Town of Red Springs, North Carolina, to cover the necessary administrative cost and advertising of each application for a Conditional Use Permit. The set fee shall be posted in the Administrative Official's office.

Section 3. Public Hearing

The Mayor shall schedule a public hearing on the application for a Conditional Use Permit to be held within 60 days after the application is filed. Public notice of the hearing shall be published in a newspaper of general circulation in the town at least once each week for two successive weeks prior to the public hearing. The Administrative Official shall also post notice on the property involved for a period of one week prior to the hearing.

Section 4. Action by the Planning Board

The Planning Board shall review the application prior to the public hearing and shall present its recommendations to the Board of Commissioners at the public hearing. The Planning Board may revise its recommendations following the public hearing and present such recommendations to the Board of Commissioners before action is taken by the Board of Commissioners.

Section 5. Action By the Board of Commissioners

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

- a. The use requested is listed among the conditional uses in the district for which application is made;
- b. The requested use is essential or desirable to the public convenience or welfare;
- c. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals or welfare;
- d. The requested use will be in conformity with the Land Development Plan;

- e. Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.
- f. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- g. The conditional use shall, in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Commissioners pursuant to the recommendations of the Planning Board.

Section 6. Conditions and Guarantees

Prior to the granting of any conditional use, the Planning Board may recommend, and the Board of Commissioners may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional use as it deems necessary to secure compliance with the standards and requirements specified in Section 5 above. In all cases in which conditional uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- a. Such conditions may include a time limitation;
- b. Conditions may be imposed which require that one or more things be done before the use requested can be initiated. For example, "that a solid board fence be erected entirely around the site to a height of six (6) feet before the use requested is initiated";
- c. Conditions of a continuing nature may be imposed. For example, "exterior loud speakers shall not be used between the hours of 10:00 p.m. and 9:00 a.m.".

Section 7. General Provisions in Granting Conditional Use Permits

a. Compliance With Other Codes

Granting of a Conditional Use Permit does not exempt applicant from complying with all of the requirements of building codes and other Ordinances.

b. Revocation

In any case where the conditions of a Conditional Use Permit have not been or are not being complied with, the Administrative Official shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to a Board of Commissioner review thereon. After conclusions of the review, the Board of Commissioners may revoke such permit.

c. Expiration

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

ARTICLE XIII. BOARD OF ADJUSTMENT

Section 1. Creating the Board of Adjustment

- a. The Board of Adjustment is hereby created, which shall consist of ten (10) members. Five members shall be appointed by the Town Board and five members shall be appointed by the Board of County Commissioners of Robeson County. In the event the Board of County Commissioners fails to make the appointments within ninety days after receipt of a resolution from the Town Board requesting that such appointments be made, the Town Board may thereupon make such appointments. The five members appointed to the Board of Adjustment by the Board of County Commissioners shall be residents of the extraterritorial area surrounding the corporate limits of the Town of Red Springs.
- b. Initial appointment of the members shall be as follows: four members for a term of three years, three members for a term of two years, and three members for a term of one year. Thereafter, all members shall be appointed for a full three-year term. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Red Springs Board of Commissioners upon written charges and after public hearing. The members of the Board of Adjustment shall serve without compensation but may be reimbursed by the Town for any expenses incurred while representing the Board.
- c. The Board of Adjustment shall elect one of its members as chairman and another as vice-chairman and shall appoint a secretary to keep minutes of its proceedings. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into affect the provisions of this section.
- d. The Chairman of the Board of Adjustment is authorized in his official capacity to administer oaths to witnesses in any matter coming before the Board. Any member of the Board, while acting as chairman, shall have and may exercise like authority.
- e. All meetings of the Board shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact, and the final disposition of appeals shall be by recorded resolution indicating the reasons of the Board thereof, all of which shall be a public record.

- f. A concurring vote of the four-fifths majority of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Official or to grant a variance from the provisions of this Ordinance.

Section 2. Powers and Duties

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

a. Administrative Review

To hear and decide appeals where it is alleged there is error in any order, requirement decisions, or determination made by the Administrative Official in the enforcement of this Ordinance.

b. Variance

To authorize upon appeal in specific cases such variances from the terms of the Ordinance as will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of the Ordinance will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured and substantial justice done. The existence of a nonconforming use of neighboring land, buildings, or structures in the same district or of permitted or nonconforming uses in either districts shall not constitute a reason for the requested variances. Such variances may be granted in such individual case of unnecessary hardship only upon findings by the Board of Adjustment after a public hearing that the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
2. Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
3. A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
4. The requested variance will be in harmony with the purpose and intent of this Ordinance and will not be injurious to the neighborhood or to the general welfare.

5. The special circumstances are not the result of the actions of the applicant.
6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

Section 3. Filing and Notice for an Appeal

Appeals from the enforcement and interpretation of this Ordinance and requests for variances, shall be filed with the Administrative Official specifying the grounds thereof. The Administrative Official shall transmit to the Board of Adjustment all applications and records pertaining to such appeals and variances.

The Board of Adjustment shall fix a reasonable time for the public hearing of the appeal, not less than seven days from the date the appeal was filed with the Town Clerk. Notice of the appeal shall be sent to all participants by registered mail.

In addition, a notice of the public hearing shall be published in a newspaper circulated in Red Springs at least once a week. The publication being not less than seven days nor more than fifteen days before the date of the hearing.

An appeal stays all proceedings in furtherance of the action appealed from unless the Administrative Official certifies to the Board of Adjustment that by reason of facts stated in the record a stay, would in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by an order from the Robeson County Superior Court. There is to be no stay if the Administrative Official certifies that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance.

Section 4. Fees for Variances or Appeals

The Town Board shall set a fee, payable to the Town of Red Springs, North Carolina, to cover the necessary administrative costs and advertising of each application for a variance or appeal. The set fee shall be posted in the Administrative Official's office.

(ORDINANCE 81-17)

ARTICLE XIV. PLANNING BOARD

Section 1. Creating the Planning Board

- a. The Planning Board is hereby created which shall consist of seven (7) members. Five of the members shall be appointed by the Town Board and two members shall be appointed by the Board of Commissioners of Robeson County. In the event the Board of County Commissioners fails to make the appointments within ninety days after receipt of a resolution from the Town Board, the Town Board may thereupon make such appointments. The two members appointed to the Planning Board by the Board of County Commissioners shall be residents of the extraterritorial area surrounding the corporate limits of the Town of Red Springs. The Town Manager shall be an ex-officio, non-voting member of the Board.
- b. Initial appointment of the members shall be as follows: three members for a term of three years, two members for a term of two years and two members for a term of one year. Thereafter, all members shall be appointed for a full three year term. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Red Springs Board of Commissioners upon written charges and after public hearing. The members of the Planning Board shall serve without compensation but may be reimbursed by the Town for any expenses incurred while representing the Board.
- c. The Planning Board shall elect one of its members as chairman and another as vice-chairman and shall appoint a secretary to keep minutes of its proceedings. The Board may adopt such rules and regulations as it may deem necessary to carry into affect the provisions of this section.
- d. The Chairman shall preside at all meetings of the Planning Board; he shall decide all points of order or procedure; and shall certify plans and transmit reports and recommendations of the Planning Board to the governing body.
- e. All meetings of the Board shall be held in the Town of Red Springs Municipal Building and shall be open to the public. The Board shall keep a record of attendance at all meetings.
- f. A concurring vote of a majority of the Board members present at a meeting, except as otherwise provided herein, may decide any issue. No Board Member shall participate in the decision of, or vote upon, any case in which he shall be interested, directly or indirectly.
- g. A quorum shall consist of four members.

Section 2. Powers and Duties

The Planning Board shall have the following powers and duties:

- a. Make studies of the area within its jurisdiction and surrounding areas.
- b. Determine objectives to be sought in the development of the study area.
- c. Prepare and adopt plans for achieving these objectives.
- d. Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner.
- e. Advise the Town Board concerning the use and amendment of means for carry out plans.
- f. Exercise any functions in the administration and enforcement of various means for carrying out plans that the Town Board may direct.
- g. Perform any other related duties that the council may direct.

ARTICLE XV. CHANGES AND AMENDMENTS

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

Section 1. Action by the Applicant

The following actions shall be taken by the applicant:

a. Initiation of Amendments

Proposed changes or amendments may be initiated by the Board of Commissioners, Planning Board, Board of Adjustment, or by the owner(s), or his agent, of property within the area proposed to be changed or affected.

b. Application

1. Proposed amendments shall be contained in an application which cites the proposed amendment and the portion of the existing ordinance which it amends.
2. This application shall be filed in the office of the Red Springs Town Clerk at least twenty-five days prior to the Town Board of Commissioners' meeting in which the proposed amendment will be considered.
3. The Town Board shall set a fee, payable to the Town of Red Springs, North Carolina, to cover the necessary administrative costs and advertising of each proposed amendment application. The set fee shall be posted in the Administrative Official's Office. The Planning Board, Board of Adjustment, and Board of Commissioners shall be exempted from this fee.

Section 2. Action by the Planning Board

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

- a. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

- b. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.
- c. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- d. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- e. The proposed change is in accord with the Land Development Plan and sound planning principles.

Section 3. Action by the Board of Commissioners

The Board of Commissioners may from time to time, as they see fit, amend any provision of this Ordinance according to the following procedure:

- a. Notice of Public Hearing

No amendment shall be adopted by the Town Board until and after public notice and hearing.

Whenever there is an amendment action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. The person or persons mailing such notices shall certify to the Town Board that fact, and such certificate shall be deemed conclusive in the absence of fraud.

In addition, notice of the public hearing shall be published in a newspaper circulated in Red Springs at least once a week for two successive weeks prior to the hearing, the first publication being not less than 15 days nor more than 25 days before the date of hearing.

b. Town Board Action

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

c. Protests

In cases of a protest against any amendment signed by the owners of twenty percent or more either of the area of the lot included in such proposed change, or of those immediately adjacent thereto in the rear thereof or on either side thereof, extending 100 feet therefrom, or those directly opposite thereto extending 100 feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of 3/4 of all the members of the Town Board. No protest petition shall be valid unless it is: a) written; b) bears the actual signatures of the requisite number of property owners and states that they protest the proposed amendment; and c) is received by the Administrative Official in time to allow at least two normal work days (excluding weekends and legal holidays), prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition. The twenty percent protest provisions of this paragraph do not apply to any amendment that initially zones property added to the territorial coverage of the ordinance by annexation or otherwise.

d. Rehearings

No application to rezone any property shall be considered more than one time in any twelve (12) month period, provided that this provision shall not apply to rezoning proposals originated by the Planning Board or the Town Board.

ARTICLE XVI. DEFINITIONS

Section 1. Interpretation of Certain Terms and Words

- a. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word "shall" is mandatory, the word "may" is permissive.
- d. The words "used" or "occupied" include the words intended, designed, or arranged to be used or occupied.
- e. The word "lot" includes the words "plot" or "parcel".

Section 2. Definitions

Administrative Official. The official charged with the enforcement of the zoning ordinance.

Bona fide farm. Any tract of land containing at least three acres which is used for dairying or for the raising of agricultural products, forest products, livestock or poultry and including facilities for the sale of such products on the premises where produced, provided that, a farm shall not be construed to include a commercial poultry and swine production, cattle feed lots, and fur bearing animal farms.

Buffer. A dense, evergreen hedge or solid fence or wall used to enclose, screen, or separate certain uses as specified in this Ordinance. The design, composition, height and location of such facilities shall be approved by the administrative official. In all cases where plant materials are used to provide the buffer, a minimum strip shall be of continuous evergreen composition and be not less than six feet in height nor less than three feet in width.

Building. Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, and including tents, trailers, freestanding signs, and similar structures whether stationary or movable.

Building, Accessory. A subordinate building, the use of which is incidental to that of a principal building or use on the same lot.

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

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

Building Setback Line. A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters and similar fixtures, and the street or highway right-of-way line when measured perpendicularly thereto.

Club or Lodge, Private (nonprofit). An association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee or similar body chosen by the members. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common objectives of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state, and local laws.

Convenience Stores. Small stores which typically sell grocery and related items for the convenience of adjacent residential neighborhoods. Convenience stores may also sell gasoline and motor oil. Convenience stores do not include auto service and repair functions.

Dwelling. Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, or other structures designed for transient residence.

Dwelling, Single-Family. A building arranged or designed for or occupied by one family, the structure having only one dwelling unit. The term "single-family dwelling" shall not be deemed to include a mobile home.

Dwelling, Multi-Family. A building arranged or designed for or occupied by two (2) or more families, with separate housekeeping and cooking facilities for each.

Family. One (1) or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five (5) persons.

Home Occupation. An occupation customarily conducted for profit within a dwelling and carried on by the occupant thereof, which use is clearly secondary to the use of the dwelling for residential purposes. Not over twenty-five (25) percent of the total actual floor area of the dwelling or five hundred (500) square feet, whichever is less, shall be used for a home occupation. No material may be stored except within a completely enclosed building. Any storage shall be included in the allowable space for the home occupation.

Junk Yard. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron, and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

Lot. A parcel of land occupied or to be occupied by a main building and accessory building(s), together with such yards, open spaces, lot width and lot areas as are required by this Ordinance, and having not less than the minimum required frontage upon a street, either shown on a plat of record, or considered as a unit of property and described by metes and bounds.

Lot Frontage. The length of the lot fronting on one side of a street. All sides of a lot adjacent to streets shall be considered frontages.

Lot Width. The distance between side lot lines, measured at the building setback line, provided however, that width between side lot lines at the foremost points (where they intersect with the street line) shall be not less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply. Lots on the turning circle of cul-de-sacs shall have a street frontage (arc of the turning circle) of not less than thirty (30) feet.

Mobile Home. A structure that: (a) consists of a single unit completely assembled at the factory or of two (double-wide) or three (triple-wide) principal components totally assembled at the factory and joined together at the site; and (b) is designed so that the total structure (or in the case of a double-wide or triple-wide, each component thereof) can be transported on its own chassis; and (c) is over thirty-two feet long and over eight feet wide; and (d) is designed to be used as a dwelling and provides complete, independent living facilities for a family, including permanent provisions for living, sleeping, eating, cooking, and sanitation; and (e) is actually being used, or is held ready for use, as a dwelling; and (f) is not permanently attached to a foundation. A mobile home is permanently attached to its foundation if: (a) the foundation was constructed in such a way or at such expense as to make it unlikely that the mobile home placed upon it will later be removed or (b) if the mobile home cannot be removed

from the foundation without great expense or severe damage to the mobile home.

Mobile Home Park. Any parcel of land so designed and improved that it is licensed as a mobile home park under the provisions of this Ordinance. This definition shall not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale.

Mobile Home Plot. A parcel of land in a mobile home park for the placement of a single home for the exclusive use of its occupants.

Nonconforming Use. A legal use of a building and/or land that antedates the adoption of these regulations and does not conform to the regulations for the zone in which it is located.

Open Storage. Unroofed storage areas, whether fenced or not.

Parking Space. The storage space for one (1) automobile of no less than nine (9) feet by twenty (20) feet, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

Setback Line - Front. The minimum horizontal distance between the front line of a building or structure and the front property line.

Service Station. Any building or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, lubricants, or tires, except that indoor car washing, minor motor adjustment, and flat tire repair are only performed incidental to the conduct of the service station.

Shopping Center. Two or more commercial establishments having 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. An advertising sign device used to disseminate information concerning a person, place or thing.

Sign, Flashing. Any illuminated sign on which the artificial light is not maintained stationery or constant in intensity and color at all times when such sign is in use. For the purpose of this Ordinance, any moving, illuminated sign shall be considered a "flashing sign".

Sign, Gross Area. The entire area within a regular geometric form or combinations of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. However, such display area shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

Sign, Outdoor Advertising. A standard structural poster panel or painted sign either free-standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which located. The maximum permitted size for a poster panel or painted sign is 600 square feet.

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

Street Line. The dividing line between a street or road right-of-way and the contiguous property.

Structure. Anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including business signs and billboards.

Use. Any continuous or continual occupation or activity taking place upon a parcel of land including, but not limited to, the location of tents, trailers, the storage of cars, machinery or other materials.

Yard, Front. An open space on the same lot with a building between the front setback line and the front property or street line extending across the full width of the lot.

Yard, Rear. An open space between the rear line of the principal building (exclusive of steps) and the rear line of the lot and extending the full width of the lot and may be used for accessory buildings.

Yard, Side. An open, unoccupied space on the same lot with a building between the side line of the building (exclusive of steps) and the side line of the lot and extending from the building setback line to the rear yard line.