

# City of Hamlet Zoning Ordinance

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## **ARTICLE I. ORDINANCE ESTABLISHED**

### **Section 1.1 Title**

This Ordinance shall be known as "The Zoning Ordinance for the City of Hamlet, North Carolina and Its Area of Extraterritorial Jurisdiction", and may be referred to as "The Hamlet Zoning Ordinance."

### **Section 1.2 Jurisdiction**

The regulations set forth in this Ordinance shall apply to all property within the City Limits of the City of Hamlet and within its Area of Extraterritorial Jurisdiction as shall now or hereafter be established.

### **Section 1.3 Districts Established**

In order to achieve the purposes of this Ordinance as set forth above, the jurisdictional area subject to this Ordinance is hereby divided into Districts of which there shall be twelve (12) with the designations as listed below:

R-20	Residential District
RA-20	Residential District
R-10	Residential District
R-8	Residential District
R-6	Residential District
R-6M	Residential District
O-1	Office and Institutional District
B-1	Central Business District
B-2	General Business District
B-3	Neighborhood Business District
I-1	Light Industrial District
I-2	Heavy Industrial District

### **Section 1.4 Official Maps Adopted - District Boundaries Established**

The boundaries of the Districts are shown upon the Zoning Map accompanying this Ordinance and made a part hereof. The Zoning Map and all the notations and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the Zoning Map were all fully described and set out herein. The previous and current versions of the Zoning Map, properly attested, shall be on file in the office of the City Clerk in digital or paper format and available for public inspection. Copies of the Zoning Map may be used in the administration of this Ordinance but the Zoning Map on file and the record of City Council action shall constitute the Official Record.

In the creation, by this Ordinance, of the respective Districts, the City Council of the City of Hamlet has given due and careful consideration to the peculiar suitability of each and every District for the particular regulations applied thereto, and the necessary, proper, and comprehensive groupings and arrangements of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the City.

The boundaries of such Districts as are shown upon the Zoning Map adopted by this Ordinance are hereby adopted and provisions of this Ordinance governing the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings, and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every District shown upon said Zoning Map.

### **Section 1.5 Bona Fide Farm Exemption**

This chapter shall in no way regulate, restrict, prohibit or otherwise deter any bona fide farm and its related uses within the extraterritorial jurisdiction; except that in case of conversion of the uses to nonagricultural or non-farm purposes, a zoning certificate shall be procured, and the new use must comply with all regulations for the district in which it is situated.

### **Section 1.6 Comprehensive / Land Use Plan Required**

As a condition of adopting and applying zoning regulations in accordance with N.C.G.S.160D-501, the City shall adopt and reasonably maintain a comprehensive plan or land-use plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction. Plans shall be adopted by the City Council with the advice and consultation of the Planning Board. Adoption and amendment of a comprehensive plan is a legislative decision. Plans shall be advisory in nature. Plans shall be considered by the planning board and governing board when considering proposed amendments to zoning regulations as required by G.S. 160D-604 and G.S. 160D-605. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment shall be required.”

### **Section 1.7 Expansion of Extraterritorial Jurisdiction**

When the City of Hamlet proposes to exercise extraterritorial jurisdiction under this ordinance it shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the county tax records. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowners right’s right to participate in a legislative hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160D-601, and the right of all residents of the area to apply to the board of county commissioners to serve as a representative on the Planning Board and the Board of Adjustment, as provided in G.S. 160D-303. The notice shall be mailed at least 30 days prior to the date of the hearing. The person or persons mailing the notices shall certify to City Council that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud.

## ARTICLE II. DEFINITIONS

### Section 2.1 General Rules

In the construction of this Ordinance the rules and definitions contained in this Article shall be observed and applied, except when the context clearly indicates otherwise. In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

- A. Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular;
- B. Words or phrases not specifically defined herein shall have their customary meanings as defined in a standard dictionary.
- C. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.
- D. The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- E. The word "shall" is mandatory and not discretionary;
- F. The word "may" is permissive and discretionary;
- G. The word "lot" shall include the words, "piece", "parcel", and "plots";
- H. The word "building" includes all structures of every kind regardless of similarity to buildings;
- I. The phrase "used for" shall include the phrases "arranged for", "designed for", and "occupied for";
- J. All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the "integral foot" next below shall be taken;
- H. Where any other "requirement" of this Ordinance results in a fraction of a unit, a fraction of one-half or more of such unit shall be considered a whole unit and a fraction of less than one-half shall be disregarded except where in this Ordinance other specific provisions are stated.
- I. The phrase "set forth herein" refers to all Sections of the City of Hamlet Zoning Ordinance.

### Section 2.2 Definitions

#### **Abutting.**

Having property or district lines in common. For example, two lots are abutting if they have property lines in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a railroad, street, alley, or other transportation corridor. The terms "adjacent", "adjoining", and "contiguous" shall be interchangeable with the term abutting".

**Access.**

A way of approaching or entering a property. The term “access” shall be interchangeable with the terms “ingress”, “egress”, and “access way”.

**Accessory Building.**

A detached building, the use of which is customarily incidental to that of the principal building, and which is located on the same zone lot as the principal building.

**Accessory Dwelling.**

Unit. A dwelling unit that exists either as part of a principal dwelling or as an accessory building and is secondary and incidental to the use of the property as single family residential.

**Accessory Structure.**

A detached subordinate structure, the use of which is customarily incidental to that of the principal structure and which is located on the same zone lot as the principal structure.

**Antenna.** A conductor by which electromagnetic waves (telephonic, radio, television, microwave, or otherwise) are transmitted or received.

**Automobile Repair Services, Major.**

An establishment primarily engaged in one or more of the following activities: 1) general repair or service; 2) engine repair; 3) installation or repair of transmissions; 4) installation or repair of automotive glass; 5) installation or repair of exhaust systems; 6) repair of tops, bodies, and interiors; and 7) automotive painting and refinishing.

**Automobile Repair Services, Minor.**

An establishment primarily engaged in one or more of the following activities: 1) diagnostic service and tune-ups; 2) installation or repair of air conditioners, brakes, carburetors, electrical systems, fuel systems, generators, starters, and radiators; 3) lubricating service; and 4) front end and wheel alignment.

**Bar.**

An establishment primarily engaged in the retail sale of beer or wine for consumption on the premises. Such establishment must obtain an ABC license for on-premises beer or wine consumption only. The establishment may also be engaged in the retail sale of prepared food for on-premises consumption.

**Bed and Breakfast.**

A dwelling in which lodging, with or without meals, is provided for overnight guests for a fee.

**Bedroom.**

A fully enclosed interior room as shown on the building plan for the structure having, as a minimum, a doorway, window and closet.

**Block.**

A tract of land of a lot or group of lots bounded by streets, public parks, golf courses, railroad right-of-way, water courses, lakes, unsubdivided land, or a boundary line or lines of the county or its towns or any combination of the above.

**Board of Adjustment and Planning Board.**

The Board of Adjustment and Planning Board of the City of Hamlet.

**Buffer.**

A strip of land established to protect one type of land use from another.

**Buffer, Watershed.**

An area of natural or planted vegetation through which stormwater runoff flows in a diffused manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool.

**Building.**

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

**Building Height.**

The vertical distance measured from the average elevation of finished grade to the topmost section of the roof.

**Building Setback Line.**

A line parallel to the property line. No structure shall be erected closer to property boundary than the setback line. The front building setback line shall be measured from the street/road right-of-way line.

**Built-Upon Area.**

Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool is considered pervious.)

**Church.**

Religious uses and facilities operated for worship; promotion of religious activities, including houses of worship and education and training; and accessory uses such as living quarters for ministers and staff, child day care facilities, full-time educational institutions, hospitals, and other related operations.

**City.**

Unless the context clearly discloses a contrary intent, the word "City" shall mean the City of Hamlet.

**City Council.**

The City Council of the City of Hamlet.

**City Manager.**

The City Manager of the City of Hamlet.

**Code of Ordinances.**

The City of Hamlet Code of Ordinances.

**Colleges or Universities.**

A post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facilities and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields.

**Conditional Zoning.**

A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

**Condominium.**

The term condominium shall apply to residential and commercial development where portions of

buildings are separately owned and where land and other improvements are held in undivided interested.

**Congregate Care Facility.**

A facility providing shelter and services for ambulatory individuals at least fifty-five (55) years of age who by reason of age, functional impairment, or infirmity may require meals, housekeeping, and personal care assistance. Congregate care facilities do not include nursing homes or similar institutions devoted primarily to the care of the chronically ill or the incurable.

**Contour Line.**

A contour line is an imaginary line on the surface of the earth that connects all points that are of equal height above some reference plane, usually sea level.

**Contour Map.**

A contour map is a drawing which shows the location of the contour lines for a particular parcel of land which, in turn, show the topography of the parcel.

**Convalescent Home.**

An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A convalescent home is a home for chronic or nursing patients who, on admission, are not as a rule acutely ill and who do not usually require special facilities, such as an operating room, x-ray facilities, laboratory facilities, and obstetrical facilities. A convalescent home provides care for persons who have remedial ailments or other ailments for which continuing medical and skilled nursing care is indicated; who, however, are not sick enough to require general hospital care, Nursing care is their primary need, but they will require continuing medical supervision. A major factor, which distinguishes convalescent homes, is that the residents will require the individualization of medical care.

**Dedication.**

The offer to transfer property from private to public ownership. Such transaction is not completed unless and until the appropriate public agency accepts the offer.

**Demolition and Construction Debris Landfill (Major).**

A disposal site (other than a minor demolition and construction debris landfill as defined in this Ordinance) for stumps, limbs, leaves, concrete, brick, wood, and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Health Services.

**Demolition and Construction Debris Landfill (Minor).**

A disposal site for stumps, limbs, leaves, concrete, brick, wood, and uncontaminated earth which is less than three (3) acres in size and is in operation for less than one (1) year.

**Developer.**

A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

**Development.**

Unless the context clearly indicates otherwise, the term means any of the following:

- A. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- B. The excavation, grading, filling, clearing, or alteration of land.

- C. The subdivision of land as defined in G.S. 160D-802.
- D. The initiation or substantial change in the use of land or the intensity of use of land.

(May also be referred to as “land development activity”).

**Dish Antenna.**

An accessory structure greater than three feet in diameter, which includes a combination of

- A. Antenna apparatus or component whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
- B. A low-noise amplifier which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals; and
- C. A coaxial cable whose purpose is to carry the signals into the interior of a building.

The height of the dish antenna shall be the vertical distance from the ground level at the bottom of the support base to the highest point when positioned at its lowest angle for operation. The setback of the dish antenna shall be measured from the center mounting post.

**Down-zoning**

A zoning ordinance that affects an area of land in one of the following ways:

- A. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- B. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

**Driveway.**

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

**Dwelling.**

Any building, structure, manufactured home or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith, except that for purposes of Article 12 of GS 160D, it does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose.

**Dwelling, Multi-family.**

A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other with separate housekeeping and cooking facilities for each, and including apartments, townhouses, and condominiums.

**Dwelling, Single-family Detached.**

A separate, detached building designed for and occupied exclusively by one (1) family.

**Dwelling, Townhouse.**

A building consisting of single-family residences attached to one another in which each unit is located on an individually owned parcel, generally within a development containing drives, walks, and open space in common area.

**Dwelling, Twin Home.**

A building consisting of two single family dwelling units, each dwelling unit occupying its own



conventional lot and conveyed by deed in fee simple, connected along a common party wall with no interior circulation between the two.

**Dwelling, Two-family (Duplex).**

A building on one zone lot arranged and designed to be occupied by two (2) families living independently of each other.

**Dwelling Unit.**

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

**Easement.**

A right given by the owner of land to another party for specific limited use of that land. For example, a property owner may give an easement on his property to allow utility facilities, like power lines or pipelines; to allow light to reach a neighbor's windows; or to allow access to another property.

**Effective Date of this Ordinance.**

Whenever this Ordinance refers to the effective date of this Ordinance, the reference shall be deemed to include the effective date of any amendments to this Ordinance if the amendment, rather than this Ordinance as originally adopted, creates a nonconforming situation.

**Electronic Gaming Operations.**

Any business enterprise, whether as a principal or an accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. This term includes, but is not limited to internet cafes, internet sweepstakes, beach sweepstakes or cyber cafes. This does not include any lottery approved by the State of North Carolina.

**Erosion.**

The wearing away of land surface by the action of wind, water, gravity or any combination thereof.

**Establishment.**

In the context of Article IX, "Sign Regulations," "establishment" is used to denote a business, building, or other use on a single zoning lot.

**Explosive.**

Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters. "Explosive" shall be defined in the same manner as set forth in 27 C.F.R. § 555.11 and 13 N.C.A.C. 7F.0702(11).

**Facade.**

The generally vertical face or wall of a building, including the front, side, and/or rear elevations. For the purposes of this definition, a mansard or false mansard roof which extends the full width of a facade shall be considered as part of the facade of a building so long as the deflection from vertical is no greater than thirty (30) degrees.

**Fall Area.**

A circle whose center is the base of a telecommunications tower and whose radius is equal to

one and one-half the tower's height. A fall area of ½ :1 will be acceptable with signed and sealed statement by a registered professional engineer licensed by the State of NC indicating such fall area would prevent the tower's fall from encroaching onto adjoining property.

**Family.**

1) An individual; 2) two (2) or more persons related by blood, marriage, or adoption living together in a dwelling unit, and (unless the dwelling contains an accessory dwelling unit) may also include not more than two (2) unrelated persons; or 3) a group of not more than four (4) persons who need not be related by blood, marriage, or adoption living together in a dwelling unit. A family may include five (5) or fewer foster children placed in a family foster home licensed by the State but shall not include fraternities, sororities, boarding or rooming houses, tourist homes, or family care homes.

**Family Care Home.**

Pursuant to NCGS 168-21, a home for six (6) or less individuals with support and supervisory personnel that provides room and board, personal care, and habilitation services in a family environment for resident persons with a temporary or permanent physical, emotional, or mental disability including, but not limited to, mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances, and orthopedic impairments, but not including mentally ill persons who are dangerous to others as defined in NCGS 122-58.2(l)(b).

**Flea Market.**

Open-air market for the sale of new and/or second-hand articles and goods by one or more merchants, which is conducted on an open, non-residential lot.

**Flood or Flooding.**

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation of runoff of surface waters from any source.

**Group Care Facility.**

A facility licensed by the State of North Carolina, (by whatever name it is called, other than "Family Care Home: as defined by this Ordinance), with support and supervisory personnel that provides room and board, personal care, or habilitation services in a family environment for not more than thirty (30) people.

**Home Occupation.**

Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no display of any type and there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his profession. No accessory building shall be used for such home occupation. There shall not be displayed or created outside the building, any external evidence of the operation of the Home Occupation.

**Hospital.**

An institution where sick or injured persons are given medical care and, in the course of the same, are housed overnight, fed, and provided nursing and related services. This definition shall not include drug rehabilitation facilities, halfway houses, convalescent or nursing homes, institutions for mentally ill individuals or similar facilities.

**Landowner**

The holder of the title in fee simple. Absent evidence to the contrary, the City may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

(May also be referred to as an “owner”).

**Land Development Activity.**

See “development”.

**Land Disturbing Activity.**

Per NCGS 113A-52(6), any use of the land by any person in residential, commercial, industrial, educational or institutional development, highway and road construction and/or maintenance that results in a change in the natural cover or topography of the land that may cause or contribute to sedimentation.

**Lot.**

A parcel of land which is either a “lot of record” or a “zoning lot.”

**Lot Area.**

The total area circumscribed by the boundaries of a lot, except that when the legal instrument creating a lot shows the boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel thirty (30) feet from the center of the traveled portion of the street, and in a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

**Lot, Corner.**

A lot located at the intersection of two (2) or more streets.

**Lot Coverage.**

The portion of a lot covered by building(s) or roofed structures(s), excluding allowed projected eaves, balconies, and similar features.

**Lot Depth.**

The distance between the front lot line and the rear lot line, measured from the midpoint of the front lot line to the midpoint of the rear lot line.

**Lot Frontage.**

The distance along which the front boundary of the lot and the street lines or right-of-way lines are coincident. On a corner lot the principal frontage shall be the shorter of the street frontages, measured from the point of intersection of the lot lines abutting such street. Where two (2) such frontages are equal in length, the owner shall designate which is the front for building purposes.

**Lot Interior.**

A lot other than a corner or reversed corner lot.

**Lot Line, Rear.**

The rear lot line is that opposite to the front lot line. Where lot lines are irregular, the rear lot line shall be assumed to be a line not less than twenty (20) feet long, lying within the lot and parallel to the front lot line at its midpoint.

**Lot of Record.**

A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Richmond County; or a parcel of land, the deed of which was recorded in the office of said Register of Deeds prior to the adoption of this Ordinance.

**Lot Width.**

The distance between the side lot lines of a lot measured at right angles to the depth and at the required front yard setback lines.

**Lot, Zoning.**

A single tract of land located within a single block, which (at the time of filing for a zoning permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership of control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

**Lot, Corner.**

A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

**Lot Coverage.**

The portion of a lot covered by building(s) or roofed structure(s), excluding allowed projected eaves, balconies, and similar features.

**Lot, Reversed Corner.**

A corner lot the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

**Lot, Interior.**

A lot other than a corner or reversed corner lot.

**Lot, Through.**

A lot having a pair of opposite lot lines along two more or less parallel public streets, and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

**Mean Sea Level.**

For purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. The FIRM panels are adopted by reference and declared to be part of this Ordinance. The incorporated maps shall be kept on file in digital or paper format with the City Clerk, and is available for public inspection during normal business hours.

**Mobile Home.**

A structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. The term "mobile home" shall be synonymous with "manufactured home," as that term is defined by G.S. § 143-145.

**A. Class AA.**

A mobile home that was constructed to meet or exceed the construction

standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

**B. Other:**

Any mobile home that does not meet the criteria of a Class AA mobile home.

**Modular Dwelling.**

A dwelling constructed in accordance with the standards set forth in the NC State Residential Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

**Non-conforming Building or Structure.**

A non-conforming situation that occurs when the height of a structure or the relationship between an existing building or buildings and other buildings or lot lines do not conform to the dimensional regulations applicable to the district in which the property is located.

**Non-conforming Lots of Record.**

A lot existing at the effective date of this Ordinance or any amendment to it (and not created for the purpose of evading the restrictions of this Ordinance) that cannot meet the minimum area and/or lot width requirements of the district in which the lot is located.

**Non-conforming Use.**

A Non-conforming situation that occurs when property is used for a purpose or in a manner not permitted by the use regulations applicable to the district in which the property is located.

**Non-conforming Situation.**

A situation that occurs when, on the effective date of this Ordinance or any amendment to it, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a non-conforming situation may arise because a lot does not meet minimum acreage requirements, because structures do not satisfy minimum yard requirements, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes which are not in conformance with the list of permitted uses for the district in which the property is located.

**Nursing Home.**

An institution, which is advertised, announced, or maintained for the express or implied purpose of providing nursing or convalescent care for persons unrelated to the licensee. A nursing home is a home for chronic or convalescent patients who, on admission, are not as a rule, acutely ill and who do not usually require special facilities, such as an operating room, X-ray facilities, laboratory facilities, and obstetrical facilities. A nursing home provides care for persons who have remedial ailments or other ailments, for which continuing medical and skilled nursing care is indicated; and who, however, are not sick enough to require general hospital care. Nursing care is their primary need, but they will require continuing medical supervision. A major factor that distinguishes nursing homes is that the residents will require the individualization of medical care.

**Ordinance.**

This Ordinance, including any amendments. Whenever the effective date of the ordinance is referred to, the reference includes the effective date of any amendment to it.

**Orphanage.**

A facility for six (6) or more otherwise normal children or adolescents who for various reasons

cannot reside with their families and are provided with room, board, ordinary care and supervision by adults who are not legally related to the children.

**Permit-Issuing Authority.**

The entity responsible for the approval of a specific type of permit as set forth in this Ordinance. Also referred to a “permitting authority”.

**Plan.**

A map or plan of a parcel of land which is to be, or has been subdivided.

**Planning and Zoning Board.**

The public agency in a community empowered to prepare a comprehensive plan and to evaluate proposed changes in land use, either by public or private developers, for conformance with the plan. The Planning Board hears, deliberates, and makes recommendations to City Council on all Ordinance and map amendments.

**Plat.**

A map showing the location, boundaries, and ownership of individual properties.

**Plat, Final.**

A drawing and related materials showing the layout of lots, streets, and other natural or man-made features in a proposed subdivision which must be approved pursuant to this Ordinance prior to recordation and prior to the transfer of any lots.

**Plat, Preliminary.**

A drawing and related material showing the layout of a proposed subdivision, including improvements details, which must be approved pursuant to this Ordinance prior to the preparation of a final plat.

**Principal Building.**

A building in which is conducted the principal use(s) of the zone lot on which it is located or, in a group development, of the building site on which it is located. Any dwelling is considered a principal building unless it is an accessory building.

**Private Drive, Road, or Street.**

An easement or right-of-way not dedicated to the public which provides access to not less than two (2) abutting properties or dwelling units; and is permitted only where specifically authorized by this Ordinance. Included also are roads or streets, within a mobile home park, travel trailer campground, multi-family housing project, commercial center, industrial park or other planned unit development which is not publicly maintained and is used for access by occupants of the development, their guests and the general public.

**Public Sewer.**

A sewage system which is owned by the City of Hamlet, by any other unit of government or authority, or by a private corporation, person or association and which is designed to serve uses locating along existing lines or within the service area of the system, should additional collection lines be constructed.

**Public Water Supply System.**

Any approved water supply system furnishing potable water to ten (10) or more dwelling units or businesses or any combination thereof.

**Quasi-Judicial Decision.**

A decision involving the finding of facts regarding a specific application of a development

regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

**Register of Deeds.**

The Register of Deeds for Richmond County, North Carolina.

**Reservation**

An obligation by a property owner to keep certain land free from development for a stated period of time. A reservation does not involve transfer of property rights but allows the public to acquire such land within the stated time period. Building setback lines shall observe the reserved line of a street during the stated time period.

**Residential Development.**

Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages and their associated outbuildings such as garages, storage buildings, gazebos, and customary home occupations.

**Retreat Centers..**

A facility used for study or instruction to improve health and wellness or for groups to discuss strategy, build stronger teams or formulate goals.

**Roadway.**

The portion of a street, road, highway or alley intended for vehicular use. The surface that vehicles normally travel on; i.e., the surfaced portion within the right-of-way.

**Salvage Yard, Auto Parts.**

Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5015. Also, any land or area used, in whole or in part, for the storage, keeping, accumulation, dismantling, demolition, or abandonment of inoperable vehicles or parts therefrom.

**Salvage Yard, Scrap Processing.**

Any establishment listed in the Standard Industrial Classification Manual under Industry Number 5093. Also, any land or area used, in whole or in part, for the storage, keeping, or accumulation of scrap or waste materials, including scrap metals, wastepaper, rags, building materials, machinery, or other scrap materials.

**Screening Device.**

A screen that is at least ninety percent (90%) opaque from the ground to a height of at least six (6) feet. The screen is intended to exclude completely all visual contact between uses and to create a strong impression of special separation. The screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. In any case where vegetation, either existing or proposed, is to be used as the required screening device, if the vegetation is to be less than ten (10) feet in width (thickness), a fence, wall or similar device at least fifty (50) percent opaque and six (6) feet in height shall be used in combination with the vegetation. In all cases, the screen must be at least ninety (90) percent opaque in all seasons of the year.

**Sedimentation.**

The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land disturbing activity or into a lake or natural water source.

**Sexually Oriented Business.**

An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, sexual encounter center (including adult massage parlor) or any combination of the foregoing or any similar business. As used in this Ordinance the following definitions shall apply:

- A. **Adult Arcade** (also known as "peep show"). Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images so displayed depict or describe "specified sexual activities" or "specified anatomical areas".
- B. **Adult Bookstore or Adult Video Store.** A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
  - 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe "specified sexual activities" or "specified anatomical areas"; or
  - 2. Instruments, devices, or paraphernalia that are designed for use in connection with "specified sexual activities".
- C. **Adult Cabaret.** A nightclub, bar, restaurant, or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes:
  - 1. Persons who appear nude or semi-nude; or
  - 2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
  - 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe "specified sexual activities" or "specified anatomical areas."
- D. **Adult Motel.** A hotel, motel or similar commercial establishment that:
  - 1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproduction that depict or describe "specified sexual activities" or "specified anatomical areas" as one of its principal business purposes; or
  - 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - 3. Allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten (10) hours.
- E. **Adult Motion Picture Theater.** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business



purposes that depict or describe "specified sexual activities" or "specified anatomical areas".

- F. Adult Theater.** A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict "specified anatomical areas" or "specified sexual activities".
- G. Escort.** A person who, for any tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- H. Escort Agency.** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration.
- I. Nude Model studio.** Any place where a person who appears nude or semi-nude, or who displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

  - 1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - 2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
  - 3. Where no more than one nude or semi-nude model is on the premises at any one time.
- J. Nude or State of Nudity.**

  - 1. The appearance of a human anus, male genitals, or female genitals; or
  - 2. A state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.
- K. Semi-nude.** A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.
- L. Sexual Encounter Center.** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex,

or similar activities between male and female persons and/or between persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

**M. Specified Anatomical Areas.** Human genitals in a state of sexual arousal.

**N. Specified Sexual Activities.** Is and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in 1. through 3. above.

**Sign.**

Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, trade names, or trademarks by which anything is made known and which is visible from any public right-of-way.

**Sign Area.**

The surface area of a sign shall be computed as including the entire area within a regular geometric form or combinations of regular geometric forms comprising all of the matter displayed. However, in computing sign area only one (1) side of a double-faced sign structure shall be considered. Frames and structural members not bearing advertising matter shall not be included in computation of the surface area. Signs erected in a "V" shape shall be considered to be double-faced as long as the angle of the "V" is ninety (90) degrees or less.

**Sign, Business Identification.**

Any sign which advertises an establishment, a service, commodity, goods or entertainment sold or offered on premises other than that on which such sign is located.

**Sign, Freestanding.**

A sign supported by a structure placed in the ground and which is wholly independent of any building or object other than the sign structure for support. A freestanding sign may include changeable copy and a digital sign face.

**Sign, Marquee.**

A sign designed to have changeable copy. Marquee signs may include a digital sign face.

**Sign, Off-premises.**

A sign that directs attention to an establishment, goods, or services not primarily located on the same premises as the sign. Off-premises signs do not include signs that are primarily designed to express an idea or concept, not to advertise an establishment, goods, or services.

**Sign, Outdoor Advertising.**

An off-premises sign that is either freestanding or attached to a building and is owned by a person, corporation, or other entity that engages in the business of selling the advertising space on that sign. Except as required by North Carolina state law, digital sign faces are not permitted on outdoor advertising signs.

**Sign, Snipe.**

A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or other objects. This definition does not include roof signs or wall signs.

**Sign, Temporary.**

A non-electrified sign intended to be displayed for a limited period of time.

**Sketch Plan.**

A crude conceptual map indicating a subdivider's intent to subdivide a tract.

**Sleeping Unit.**

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

**Sign, Under Canopy.**

A sign placed under a building canopy or arcade area within a shopping center. Under canopy signs may include a digital face.

**Solar Energy System (SES).**

The components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies, but is not limited to, solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one of three system types: Level 1 SES, Level 2 SES, and Level 3 SES.

**Level 1 Solar Energy System** - Level 1 SESs include the following:

1. Roof-mounted on any code-compliant structure.
2. Building integrated solar (i.e., shingle, hanging solar, canopy, etc.); and
3. Ground-mounted solar panels installed for educational purposes.

**Level 2 Solar Energy System** - Level 2 SESs are ground-mounted systems not included in Level 1 that meet the area restriction listed below:

1. Light Industrial (I-1): SES of any size
2. Heavy Industrial (1-2): SES of any size

**Level 3 Solar Energy System** - Level 3 SESs are systems that do not satisfy the parameters for a Level 1 or Level 2 Solar Energy System.

**Solid Waste Disposal Site.**

As defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

**Special Use Permit.**

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

**Start of Construction.**

The date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation of the erection of temporary forms; nor does it include the installation on property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

**Street, Alley.**

A strip of land providing secondary access to properties otherwise abutting a street.

**Street, Cul-de-Sac.**

A street that terminates in a vehicular turnaround.

**Street Frontage.**

A lot line abutting on the side of a street, or on a permanent turnaround at the end of a street; also, the distance along such line.

**Street, Marginal Access.**

A street that is parallel to and adjacent to an arterial street or thoroughfare and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

**Street, Public.**

A dedicated public right-of-way in which the roadway has been accepted or constructed to public standards for vehicular traffic but not an alley.

**Street, Thoroughfare.**

A traffic artery designed primarily to carry heavy volumes of through vehicular traffic as shown on the major street plan.

**Structure.**

Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground.

**Subdivider.**

Any person, firm, or corporation who creates or proposes to create a subdivision as defined herein.

**Subdivision.**

All divisions of tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purposes of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but pursuant to NCGS 160D-802, the following shall not be included within the definition:

- (1) The combination or recombination of portions of previously platted lots where the

- (2) total number of lots is not increased and the resultant lots are equal to exceed the standards of the municipality as shown in its subdivision regulations;
- (2) The division of and into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (4) The division of a tract in single ownership whose entire area is not greater than two (2) acres into not more than three (3) lots, where no street extension or right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this Ordinance.
- (5) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession

**Subdivision, Major.**

Any subdivision other than a minor subdivision.

**Subdivision, Minor.**

A division of land that creates not more than three (3) lots (excluding the parent tract where no new street right-of-way dedication is required, and all resultant lots conform to the requirements set forth in this Ordinance.

**Taxed Value.**

The official value assigned to real property by the Richmond County Tax Assessor for ad valorem tax purposes.

**Telecommunications Tower.**

Any tower or structure erected for the purpose of supporting one or more antennas designed to transmit or receive signals (e.g., telephonic, radio, television or microwave).

**Temporary Family Health Care Structure.**

A transportable residential structure, providing an environment facilitating a caregiver's provision of care for mentally or physically impaired person that is primarily assembled at a location other than its site of installation, (ii) is limited to one occupant who shall be the mentally or physically impaired person, (iii) has no more than 300 gross square feet, and (iv) complies with applicable provisions of the State Building Code and G.S. 143-139.l(b). Placing the temporary family health care structure on a permanent foundation shall not be required or permitted. See also, section 152-150, Accessory Uses.

**Tower Height.**

The vertical distance measured from ground to the uppermost point of the tower and any antenna, structure, or appendage fixed thereto.

**Tract.**

The term is used interchangeable with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

**Use.**

The purpose for which land or structures thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

**Use, Accessory.**

Any use which is clearly incidental, secondary, and/or supportive of a principal use.

**Use, Principal Permitted.**

Any use listed as Permitted Use in any Zoning District, except those which by definition or their nature are accessory uses.

**Utility Facilities.**

Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the [the appropriate provision of state law] and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals.

**Variance.**

Official permission from the Board of Adjustment to depart from the requirements of this Ordinance.

**Vested Right.**

The right to undertake and complete the development and use of property under the terms and conditions of an approval secured as specified in G.S. 160D-108 or under common law.

**Yard.**

An open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest to the sky, except as otherwise permitted herein. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

**Yard, Corner Side.**

A side yard which adjoins a public street.

**Yard, Front.**

A yard extending along the full width of the zoning lot between the side lot lines.

**Yard, Rear.**

A yard extending along the full width of the zoning lot between the side lot lines.

**Yard, Side.**

A yard extending along a side lot line from the front yard to the rear yard.

**Yard, Interior Side.**

A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

**Yard Sale.**

An occasional sale conducted by a household or a group of households, or by a nonprofit organization on its own premise, at which surplus and primarily used household goods and/ or clothing are sold. Yard sales conducted by a household or group of households shall be those conducted on residential premises or one or more of those households.

**Zoning Enforcement Officer.**

The person, officer, or official and his authorized representative, whom the City Manager has

designated as the agent for the administration and enforcement of the Zoning Ordinance of the City of Hamlet, North Carolina.

**Zoning Ordinance.**

The City of Hamlet Zoning Ordinance.

## **ARTICLE III. GENERAL PROVISIONS**

The following general provisions shall apply in all situations unless otherwise indicated.

### **Section 3.1 Relationship of Buildings to Lot**

Every building hereafter erected, moved or placed shall be located on a lot and in no case shall there be more than one (1) principal residential building on a lot except pursuant to the provisions of Article VII, Note 3.

### **Section 3.2 Open Space Requirements**

No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building or structure. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, chimneys, flues and eaves; provided, however, that none of the aforesaid projections shall project into a minimum side yard more than one-third (1/3) of the width of such yard nor more than twenty-four (24) inches, whichever is the least. Open or lattice enclosed fire escapes, fire proof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet shall be permitted where placed so as not to obstruct light and ventilation. In addition, certain accessory structures are permitted to be placed in the required yard area as provided for in the Schedule of District Regulations.

### **Section 3.3 Reduction of Lot and Yard Areas Prohibited**

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

### **Section 3.4 Access to Property**

No building, structure or use of land shall be established on a lot nor shall any lot be created that does not abut upon a public street to which it has legal access. The public access requirement shall not apply to land exempt from public street access by this Ordinance or the Subdivision ordinance nor to existing lots of record to which other access is available.

### **Section 3.5 Interpretation of District Boundaries**

Where uncertainty exists as to boundaries of any District shown on the Zoning Map the following rules shall apply:

- A.** Where such District boundaries are indicated as approximately following street lines, railroad lines, lot lines, creeks, and other features shown on the Map such lines shall be construed to be such boundaries.
- B.** Where such District boundaries are indicted on the Map to be a certain distance from a certain feature (such as a stated distance from a street), such distance shall be the determining factor in establishing the District boundary.
- C.** Where such District boundary is not indicated by a feature and is not the result of a stated dimension, the boundary shall be determined by use of the scale appearing on the same Map.
- D.** In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of



the Map as to the location of such boundary.

**Section 3.6 Interpreting Permitted Uses**

The listings of Permitted Uses in the various Districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the various Districts. In interpreting proposed uses, the Zoning Enforcement Officer shall refer to the Standard Industrial Classification (SIC) Manual as a guide. When a proposed use is not specifically listed in the Table of Permitted Uses, the Zoning Enforcement Officer shall use the SIC Manual to determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Zoning Enforcement Officer finds that a proposed use is not the same as, or is not manifestly similar to, a listed use, he shall classify the proposed use as not permitted. In each such case, the Zoning Enforcement Officer shall maintain a written record of such interpretations. Any person who is aggrieved by any such interpretation by the Zoning Enforcement Officer may appeal such interpretation to the Board of Adjustment as provided for in Article XII.

**Section 3.7 Water and Sewer Requirements**

The lot sizes required for the various Districts in this Ordinance were drawn based upon the assumption that adequate water supply and sewage disposal systems are available to each and every lot. The lack of adequate systems for one or both facilities, however, may require larger lot areas or, in some instances, not permit development as intended.

**Section 3.8 Height Limitation Exceptions**

Except as may otherwise be prohibited by Federal Aviation Authority Regulations, the height limitations of this Ordinance shall not apply to public buildings, church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, television and communication towers, masts, aerials and similar structures, provided such structures meet the required North Carolina Building Code.

**Section 3.9 Building Setback Exceptions**

Setback distances shall be measured from the property line or street right-of-way line to the nearest portion of any building, or structure excluding:

- A. The outermost four feet of any uncovered porch, step, eave, gutter, canopy, or similar fixture; and
- B. A deck or patio if no portion of the same extends more than twelve inches off the ground;
- C. Any structure that is a mere appendage to a building, such as a flagpole, or fountain; and
- D. Fences six (6) feet in height or less.

**Section 3.10 Temporary Buildings**

The Zoning Enforcement Officer may permit temporary buildings, including mobile structures, incidental to a construction project to be used concurrent with the permit for permanent building(s) or construction.

**Section 3.11 Fees**

Applicants for permits and other procedures as provided for by this Ordinance may be required to pay such fees as may be established by the City Council for the administration of this Ordinance.

## **ARTICLE IV. NON-CONFORMING SITUATIONS**

The purpose of this Article is to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this ordinance or any applicable amendment thereof even though such use, structure or property does not conform with the provisions of this Ordinance. However, this Article is also established to require that non-conforming situations be terminated under certain circumstances.

### **Section 4.1 Continuation of Non-conforming Situations**

Non-conforming situations that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in Sections 4.2 through 4.7 of this Article.

### **Section 4.2 Non-Conforming Lots of Record**

Where the owners of a lot of record at the time of the adaption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the area or lot width requirements of this Ordinance, such lot may be used as a building site provided all other dimensional requirements are met and provided that the use to be made of the property is not one to which larger than minimum lot area requirements are called for in the list of Permitted Uses.

### **Section 4.3 Extension or Enlargement of Non-conforming Situations**

- A. Except as specifically provided in this Section, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of non-conformity of a non-conforming situation.
- B. Subject to Paragraph 4 of this Section, a non-conforming use may be extended through any portion of a completed building that, when the use was made non-conforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a non-conforming use may not be extended to additional buildings or to land outside the original building.
- C. A non-conforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became non-conforming.
- D. The volume, intensity, or frequency of use of property where a non-conforming situation exists may be increased and the equipment or processes used at a location where a non-conforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Section occur.
- E. Physical alteration of non-conforming structure or structures containing a non-conforming use is unlawful if it results in:
  - 1. An increase in the total amount of space devoted to a non-conforming use.
  - 2. Greater non-conformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements.
  - 3. The enclosure of previously unenclosed areas, even though those areas are or were used in connection with non-conforming activity.

F. Minor repairs to and routine maintenance of property where non-conforming situations

exist are permitted and encouraged. Major renovation - i.e., work estimated to cost more than ten percent (10%) but less than sixty percent (60%) of the taxed value of the structure to be renovated may be done provided that the work will not result in a violation of any other paragraphs of this Subsection particularly Paragraph 5. In no case however shall work costing more than sixty percent (60%) of the taxed value of the structure be done, singularly or cumulatively, within any five (5) year period.

**Section 4.4 Reconstruction Prohibited**

Any non-conforming building or structure or any building or structure containing a non-conforming use for which major repair or reconstruction is proposed in an amount equal to sixty percent (60%) or more of the taxed value of the building or structure or which has been damaged by any cause to an extent equal to sixty percent (60%) or more of its taxed value shall only be repaired and/ or reconstructed and used as a conforming structure and a conforming use.

**Section 4.5 Change in Kind of Non-conforming Use**

- A. A non-conforming use may be changed to a conforming use. Thereafter, the property may not revert to a non-conforming use.
- B. A non-conforming use shall not be changed to another non-conforming use except upon a finding by the Board of Adjustment that the new use is more in character with the uses permitted in the District than the previous use.
- C. If a non-conforming use and a conforming use, or any combination of non-conforming uses exist on one lot, the use made of the property may be changed into a conforming use.
- D. Conforming uses, except sexually oriented businesses, may be established or re-established in non-conforming buildings or structures provided that off-street parking is provided as required by this Ordinance and provided no other provision of this Ordinance for the establishment of new uses is violated.

**Section 4.6 Discontinuance of Non-conforming Uses**

- A. When active operation or occupancy of a non-conforming use is discontinued regardless of the purpose or reason for a consecutive period of one hundred eighty (180) days, the property involved may thereafter be used only for conforming uses.
- B. For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this Subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a non-conforming apartment building or one space in a non-conforming mobile home park for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building or mobile home park as a whole is continuously maintained. But if a non-conforming use is maintained in conjunction with a conforming use, cessation of operation or occupancy of the non-conforming use for the required period shall terminate the right to maintain it thereafter.

**Section 4.7 Discontinuance of Non-conforming Sexually Oriented Businesses and Bars**

Notwithstanding the provisions of Section 4.6 above, Sexually Oriented Businesses and Bars shall be governed by the following:

- A. Any sexually oriented business or bar that fails to comply with the use and locational requirements of this Ordinance, but which was lawfully operating before the effective date of this ordinance, shall not be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business which ceases active operation for a period of thirty (30) days regardless of the purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.
- B. Any sexually oriented business or bar lawfully operating as of the effective date of this Ordinance, but which subsequently fails to comply with the use and locational requirements of this ordinance as the result of changes within the vicinity or amendment to this Ordinance, shall not be deemed to be in violation of this Ordinance but shall be a non-conformity. Any such business which ceases active operation for a period of thirty (30) days regardless of purpose or reason shall be subject to all the requirements of this Ordinance and the property may thereafter be used only for conforming uses.

## ARTICLE V. SCHEDULE OF DISTRICT REGULATIONS

Within the Districts as established by this Ordinance, requirements as set forth in this Article shall be complied with in addition to any other general or specific requirements of this Ordinance.

### Section 5.1 R-20 Residential District

#### A. Permitted Uses

See Article VI, Table of Permitted Uses.

#### B. Dimensional Requirements

1. Minimum Required Lot Area for a Single-Family Dwelling or Any Non-Residential Use- 20,000 square feet.
2. Minimum Required Lot Area for Two Family and Multi-Family Dwellings-
  - a. 20,000 square feet for the first dwelling unit
  - b. 9,000 square feet for- each additional dwelling unit.  
See Article VII, Note 3 for additional requirements for multi-family developments.
3. Minimum Required Lot Width- 100 feet
4. Minimum Required Front Yard- 40 feet
5. Minimum Required Side Yard-
  - a. Interior side- 15 feet
  - b. Corner side- 15 feet
6. Minimum Required Rear Yard- 30 feet
7. Maximum Building Height- 35 feet
8. Maximum Lot Coverage- 35%
9. Location of Accessory Buildings and Structures.

No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner. Lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

#### C. Visibility at Intersections

On a corner lot nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as

established by NCDOT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.2 RA-20 Residential District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area for a Single-Family Dwelling or Any Non-Residential Use – 20,000 square feet
2. Minimum Required Lot Area For Two Family and Multi-Family Dwellings
  5. 20,000 square feet for the first dwelling unit
  - b. 9,000 square feet for each additional dwelling unit.  
See Article VII, Note 3 for additional requirements for multi- family developments.
3. Minimum Required Lot Width- 100 feet
4. Minimum Required Front Yard- 40 feet
5. Minimum Required Side Yard
  5. Interior side – 15 feet
  - b. Corner side – 15 feet
6. Minimum Required Rear Yard – 30 feet
7. Maximum Building Height – 35 feet
8. Maximum Lot Coverage – 35%
9. Location of Accessory Buildings and Structures

No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street

line) and, in any case of a corner lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDOT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.3 R-10 Residential District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area For a Single Family Dwelling or Any Non-Residential Use – 10,000 square feet
2. Minimum Required Lot Area For Two Family and Multi-Family Dwellings – (Not Permitted)
3. Minimum Required Lot Width – 80 feet
4. Minimum Required Front Yard - . 30 feet
5. Minimum Required Side Yard –
  - a. Interior Side- 10 feet
  - b. Corner Side- 15 feet
6. Minimum Required Rear Yard – 30 feet
7. Maximum Building Height – 35 feet

8. Maximum Lot Coverage – 35%
9. Location of Accessory Buildings and Structures

No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDOT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.4 R-8 Residential District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area For a Single Family Dwelling or Any Non-Residential Use- 8,000 square feet
2. Minimum Required Lot Area For Two Family and Multi-Family Dwellings - (Not Permitted)
3. Minimum Required Lot Width - 60 feet
4. Minimum Required Front Yard - 30 feet
5. Minimum Required Side Yard
  - a. Interior side – 8 feet



- b. Corner side - 15 feet
- 6. Minimum Required Rear Yard - 30 feet
- 7. Maximum Building Height - 35 feet
- 8. Maximum Lot Coverage - 35%
- 9. Location of Accessory Buildings and Structures

No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDOT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.5 R-6 Residential District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

- 1. Minimum Required Lot Area for a Single Family Dwelling or any Non-Residential Use- 6,000 square feet.
- 2. Minimum Required Lot Area for Two Family Dwellings - 4,500 square feet for each dwelling unit.
- 3. Minimum Required Lot Area for Multi-Family Dwellings - 4,500 square feet each for the first two (2) dwelling units and 2,000 square feet for each dwelling unit over two (2)

See Article VII, Note 3 for additional requirements for multi-family developments.

4. Minimum Required Lot Width - 50 feet
5. Minimum Required Front Yard - 25 feet
6. Minimum Required Side Yard
  - a. Interior side - 6 feet
  - b. Corner side - 12 feet
7. Minimum Required Rear Yard - 30 feet
8. Maximum Building Height - 35 feet
9. Maximum Lot Coverage - 35%
10. Location of Accessory Buildings and Structures

No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDOT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.6 R-6M Residential District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area For a Single Family Dwelling or Any Non-Residential Use - 6,000 square feet
2. Two Family Dwellings - 4,500 square feet for each dwelling unit
3. Multi-Family Dwellings- 4,500 square feet each for the first two (2) dwelling units. See Article VII, Note 3 for additional requirements for multi-family developments.
4. Minimum Required Lot Width – 50 feet
5. Minimum Required Front Yard - 25 feet
6. Minimum Required Side Yard
  - a. Interior side - 6 feet
  - b. Corner side - 12 feet
7. Minimum Required Rear Yard - 30 feet
8. Maximum Building Height - 35 feet
9. Maximum Lot Coverage - 35%
10. Location of Accessory Buildings and Structures

No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDOT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.7 O-I Office and Institutional District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area for a Single Family Dwelling or Any Non-Residential Use - 8,000 square feet
2. Two Family Dwellings - 4,500 square feet for each dwelling unit
3. Multi-Family Dwellings - 4,500 square feet each for the first two (2) dwelling units and 2,000 square feet for each dwelling unit over two (2)  
See Article VII, Note 3 for additional requirements for multi-family developments.
4. Minimum Required Lot Width - 60 feet
5. Minimum Required Front Yard - 15 feet
6. Minimum Required Side Yard  
  
None required except when abutting a residential district in which case a ten (10) foot side yard shall be provided.
7. Minimum Required Rear Yard - 15 feet
8. Maximum Building Height - 35 feet
9. Maximum Lot Coverage - None
10. Location of Accessory Buildings and Structures

No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDOT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.8 B-1 Central Business District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area for Any Non-Residential Use - None
2. Minimum Required Lot Area for Multi-Family Dwellings - 1,000 square feet for each dwelling unit.  
  
See Article VII, Note 3 for additional requirements for multi-family developments.
3. Minimum Required Lot Width - 25 feet
4. Minimum Required Front Yard - None
5. Minimum Required Side Yard  
  
None required except when abutting a residential district in which case a ten (10) foot side yard shall be provided.
6. Minimum Required Rear Yard - 15 feet when abutting a residential district and twelve ( 12) feet when abutting an alley.
7. Maximum Building Height - None
8. Maximum Lot Coverage - None
9. Location of Accessory Buildings and Structures  
  
No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

Does not apply in the B-1 District.

**D. Off-Street Parking and Loading**

Off-street parking is not required in this District. Off-street loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.9 B-2 General Business District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area For Any Non-Residential Use - None
2. Minimum Required Lot Area for Multi-Family Dwellings - 4,000 square feet for each ground floor dwelling unit. 2,000 square feet for each above ground floor dwelling unit.

See Article VI I, Note 3 for additional requirements for multi- family developments.

3. Minimum Required Lot Width - 50 feet
4. Minimum Required Front Yard - 25 feet
5. Minimum Required Side Yard  
None required except when abutting a residential district in which case a twenty (20) foot side yard shall be provided.
6. Minimum Required Rear Yard - 20 feet
7. Maximum Building Height - 35 feet
8. Maximum Lot Coverage - None
9. Location of Accessory Buildings and Structures

No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner- as materially to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two Points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDOT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.10 B-3 Neighborhood Business District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area for Any Non-Residential Use - None
2. Minimum Required Lot Area for Multi-Family Dwellings - 4,500 square feet for each of the first two dwelling units. 2,000 square feet for each additional dwelling unit.  
  
See Article VII, Note 3 for additional requirements for multi- family developments.
3. Minimum Required Lot Width - 25 feet
4. Minimum Required Front Yard - 5 feet
5. Minimum Required Side Yard  
  
None required except when abutting a residential district in which case a ten (10) foot side yard shall be provided.
6. Minimum Required Rear Yard - 20 feet
7. Maximum Building Height - 35 feet
8. Maximum Lot Coverage – None
9. Location of Accessory Buildings and Structures

No accessory building or structure shall be erected in any required front or side

yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner lot with reversed frontage, no accessory building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner- as materially to impede vision between a height of two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two Points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDOT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.11 I-1 Light Industrial District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area - 20,000 square feet
2. Minimum Required Lot Width - 100 feet
3. Minimum Required Front Yard - 30 feet
4. Minimum Required Side Yard - 15 feet
5. Minimum Required Rear Yard - 30 feet
6. Maximum Building Height - 35 feet
7. Maximum Lot coverage – None
8. Location of Accessory Buildings and Structures

No accessory building or structure shall be erected in any required front or side yard or within 15 feet of any street line or within 5 feet of a lot line (not a street line) and, in any case of a corner lot with reversed frontage, no accessory



building or structure shall extend beyond the required front yard line of the lots in the rear. See Article VII, Note 7 for specific requirements for dish antennas.

**C. Visibility at Intersections**

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of- two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDDT, whichever is greater.

**D. Off-Street Parking and Loading**

Off street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

**Section 5.12 I-2 Heavy Industrial District**

**A. Permitted Uses**

See Article VI, Table of Permitted Uses.

**B. Dimensional Requirements**

1. Minimum Required Lot Area - 20,000 square feet
2. Minimum Required Lot Width - 100 feet
3. Minimum Required Front Yard - 15 feet
4. Minimum Required Side Yard

None required except when abutting a residential district in which case a fifteen (15) foot side yard shall be provided.

5. Minimum Required Rear Yard - None required except when abutting a residential district in which case a thirty ( 30) foot rear yard shall be provided.
6. Maximum Building Height- 35 feet
7. Maximum Lot Coverage - None
8. Location of Accessory Buildings and Structures.

On a corner lot nothing shall be erected, placed, planted or allowed to grow in

such a manner as materially to impede vision between a height of- two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDDT, whichever is greater.

**C. Visibility at Intersections**

On a corner lot nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of- two and one-half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two points of the right-of-way lines, twenty (20) feet from where they intersect or a sight triangle as established by NCDDT, whichever is greater.

**D. Off-Street Parking and Loading**

Off-street parking and loading shall be provided in accordance with the provisions of Article VIII.

**E. Signs**

Signs shall be regulated by the provisions of Article IX.

**F. Screening**

Screening shall be regulated by the provisions of Article X.

## ARTICLE VI. TABLE OF PERMITTED USES

### Section 6.1 General

- A. The District or Districts in which a particular listed use is permitted with a zoning permit is indicated by a "P" in the District column(s) opposite the listed use. Uses permitted with the issuance of a special use permit are indicated by and "S" in the District Column(s) opposite the listed use. See Section 3.6 for information on interpreting permitted uses. In any case where a note reference such as "Note 3" appears in the "Special Requirements" column opposite a particular listed use, that means there are special additional performance requirements that use must comply with in the development. See Article VII and the numbered note in that Article for the special additional performance standards for the use.

The listing of a use as permitted with a zoning permit or special use permit in the Table of Permitted Uses in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use.

- B. Unless prohibited by subsections (C) and (D) below, any use not listed in the Table of Permitted Uses shall be permitted with the issuance of a special use permit.
- C. The following uses are specifically prohibited in all districts:
1. Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible materials in violation of the North Carolina Fire Prevention Code;
  2. Any use that involves the manufacture, handling, sale, distribution, or storage of explosives as a primary use is prohibited. Explosives may be stored as an accessory use only in accordance with the requirements of this ordinance and all State and Federal requirements, including but not limited to 27 C.F.R. Part 555, "Commerce in Explosives":
  3. Stockyards, slaughterhouses, and rendering plants.
- D. All commercial, industrial, and other nonresidential uses not specifically authorized by the Table of Permitted Uses or otherwise authorized by this ordinance shall be prohibited in residential zoning districts, including the R-20, RA-20, R-10, R-8, R-6 and R- 6M districts.

### Section 6.2 Table of Permitted Uses



**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
home occupation		P	P	P	P	P	P	P						<b>Note 6</b>
office												P		
satellite dishes		P	P	P	P	P	P	P	P	P	P	P	P	<b>Note 7</b>
solar energy system- level 1		P	P	P	P	P	P	P	P	P	P	P	P	<b>Note 34</b>
swimming pools		P	P	P	P	P	P	P	P	P	P	P	P	<b>Note 8</b>
Temporary family healthcare structures		P	P	P	P	P	P							
yard sales		P	P	P	P	P	P	P						
<b>Recreational Uses</b>														
amusement or water parks, fairgrounds													P	<b>Note 9</b>
Athletic fields													P	
batting cages										P			P	
billiard parlors									P	P				
bingo games									P	P				
bowling centers									P	P				
clubs or lodges (non-profit)									P	P	P		P	
coin operate amusements									P	P	P			
country clubs and golf courses		P	P	P	P	P	P	P	P	P	P		P	<b>Note 10</b>
dance schools									P	P	P			
electronic gaming operation										P				<b>Note 29</b>
fortune tellers/astrologers									P	P				
go-cart raceways													P	<b>Note 9</b>
golf courses, miniature										P				
golf courses		P	P	P	P	P	P		P	P	P		P	<b>Note 10</b>
golf driving ranges										P			P	

**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
martial arts instructional schools									P	P	P			
physical fitness centers									P	P	P			
public parks		P	P	P	P	P	P	P	P	P	P			
public recreation facilities		P	P	P	P	P	P	P	P	P	P			
riding stables, non-commercial		P	P											<b>Note 11</b>
riding stables, commercial													P	<b>Note 11</b>
shooting ranges, indoor													P	
shooting ranges, outdoor, local government only													P	
skating rinks									P	P				
sports and recreation clubs, indoor									P	P	P			
swim and tennis clubs		P	P	P	P	P	P	P	P	P	P			<b>Note 12</b>
<b>Educational and Institutional Uses</b>														
ambulance services						P	P	P	P	P				
auditoriums, coliseums, or stadiums										P			P	
cemeteries/mausoleums		P	P	P	P	P	P	P	P	P	P			<b>Note 13</b>
churches		P	P	P	P	P	P	P		P	P			<b>Note 14</b>
colleges or universities		P	P			P	P	P	P	P	P			<b>Note 14</b>
correctional institutions													P	
day care centers, adult (5 or less, home occupation)		P	P	P	P	P	P	P						<b>Note 15</b>
day care centers, adult (6 or more)		P	P		P	P	P	P	P	P	P			<b>Note 15</b>
day care centers, child (5 or less, home occupation)		P	P	P	P	P	P	P						<b>Note 15</b>
day care centers, child (6 or more)		P	P		P	P	P	P	P	P	P			<b>note 15</b>
elementary or secondary schools		P	P	P	P	P	P	P	P	P	P			
fire stations		P	P	P	P	P	P	P	P	P	P	P	P	
government offices								P	P	P	P			
hospitals			P			P	P	P	P	P				<b>Note 14</b>

**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
libraries						P	P	P	P	P	P			
museums or art galleries						P	P	P	P	P	P			
nursing and convalescent homes; congregate and group care			P			P	P	P		P	P			<b>Note 14</b>
orphanages			P			P	P	P		P	P			<b>Note 14</b>
police stations, neighborhood		P	P	P	P	P	P	P	P	P	P	P	P	
post offices								P	P	P	P			
psychiatric hospitals								P	P					
retreat centers			P					P		P				<b>Note 14</b>
school administration facilities								P	P	P				<b>Note 14</b>
specialty hospital								P	P	P				
<b>Business, Professional &amp; Personal Services</b>														
accounting, auditing, or bookkeeping								P	P	P	P			
administrative or management services								P	P	P	P			
advertising agencies or representatives								P	P	P	P			
advertising services, outdoor								P	P	P	P			
automobile rental or leasing										P	P			
automobile repair services and sales, major										P			P	
automobile repair services and sales-car detailing, non-automated, minor									P	P	P			
automobile parking (commercial)									P	P		P	P	
automobile towing and storage services										P				
banks, savings, & loans, or credit union								P	P	P	P			
barber shops									P	P	P			
beauty shops									P	P	P			

**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
boat repairs										P	P		P	
building maintenance services									P	P				
car washes										P				
clothing alterations or repairs									P	P	P			
computer maintenance and repairs									P	P		P	P	
computer services									P	P	P		P	
economic, socio, or educational research								P	P	P	P			
employment agencies, personnel agencies								P	P	P	P			
engineering, architect, or survey services								P	P	P	P			
equipment rental & leasing (no outdoor storage)									P	P	P			
equipment rental & leasing (with outdoor storage)										P			P	
equipment repairs, heavy													P	
equipment repairs; light engine repair, light									P	P				
finance or loan offices								P	P	P	P			
funeral homes or crematoriums								P	P	P				
furniture repair shops									P	P				
hostels or motels									P	P	P			
insurance agencies (no on-site claims insp.)								P	P	P	P			
insurance agencies (carries/on-site claims insp.)									P	P				
Kennels or pet grooming services										P			P	
landscape and horticultural services			P							P				
laundromats, coin operated									P	P	P			





**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
tourist homes (bed and breakfast)		<b>P</b>	<b>P</b>			<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>			<b>Note 16</b>
travel agencies								<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>			
truck driving schools													<b>P</b>	
truck and utility trailer rental & leasing, light										<b>P</b>			<b>P</b>	
truck and utility trailer rental & leasing, heavy													<b>P</b>	
truck washing													<b>P</b>	
veterinary services										<b>P</b>	<b>P</b>			
vocational, business or secretarial schools								<b>P</b>	<b>P</b>	<b>P</b>				
watch or jewelry repair shops									<b>P</b>	<b>P</b>	<b>P</b>			
<b>Retail Trade</b>														
ABC stores (liquor)									<b>P</b>	<b>P</b>	<b>P</b>			
antique stores									<b>P</b>	<b>P</b>	<b>P</b>			
appliance stores									<b>P</b>	<b>P</b>	<b>P</b>			
arts & crafts									<b>P</b>	<b>P</b>	<b>P</b>			
auto/supply sales									<b>P</b>	<b>P</b>	<b>P</b>			
bakeries									<b>P</b>	<b>P</b>	<b>P</b>			
bars									<b>P</b>	<b>P</b>	<b>P</b>			<b>Note 17</b>
boat sales										<b>P</b>				
bookstores									<b>P</b>	<b>P</b>	<b>P</b>			
building supply sales (no storage yard)									<b>P</b>	<b>P</b>	<b>P</b>			
building supply sales (with storage yard)										<b>P</b>				
camera stores									<b>P</b>	<b>P</b>	<b>P</b>			
candy stores									<b>P</b>	<b>P</b>	<b>P</b>			
clothing, shoe and accessory stores									<b>P</b>	<b>P</b>	<b>P</b>			
computer sales									<b>P</b>	<b>P</b>	<b>P</b>			

**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
convenience stores (with gasoline pumps)										P	P			
convenience stores (without gasoline pumps)									P	P	P			
dairy products stores									P	P	P			
department, variety of general merchandise stores									P	P	P			
drugstores									P	P	P			
fabric or piece goods stores									P	P	P			
flea markets									P	P	P			<b>Note 31</b>
floor covering, drapery or upholstery									P	P	P			
florist									P	P	P			
food stores									P	P	P			
fuel oil sales										P				
furniture sales									P	P	P			
garden centers or retail nurseries			<b>P</b>							P	P			
gift or card shops									P	P	P			
hardware stores									P	P	P			
hobby shops									P	P	P			
home furnishing , miscellaneous									P	P	P			
jewelry stores									P	P	P			
luggage or leather good stores									P	P	P			
manufactured home sales										P				
miscellaneous retail sales									P	P	P			
motorcycle sales										P			<b>P</b>	
musical instrument sales									P	P	P			
newsstands									P	P	P			
office machine sales									P	P	P			
optical goods sales									P	P	P			



**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
flowers, nursery stock & florist supplies										<b>P</b>	<b>P</b>			
forest supplies													<b>P</b>	
furniture and home furnishings													<b>P</b>	
grain and field beans													<b>P</b>	
groceries and related products													<b>P</b>	
hardware													<b>P</b>	
jewelry, watches, precious stones & metals													<b>P</b>	
livestock													<b>P</b>	
lumber and other construction materials													<b>P</b>	
machinery, equipment and supplies													<b>P</b>	
market showroom (furniture, apparel, etc.)										<b>P</b>	<b>P</b>		<b>P</b>	
metals and minerals													<b>P</b>	
motor vehicle, parts and supplies													<b>P</b>	
points and varnishes													<b>P</b>	
paper and paper products													<b>P</b>	
petroleum and petroleum products													<b>P</b>	<b>Note 25</b>
plastic materials													<b>P</b>	
plumbing and heating equipment													<b>P</b>	
professional and com. Equipment and supplies													<b>P</b>	
resins													<b>P</b>	
scrap and waste materials													<b>P</b>	
sporting and recreational goods and supplies													<b>P</b>	
tobacco and tobacco products													<b>P</b>	
toys and hobby goods and supplies													<b>P</b>	



**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
warehouses (general storage/enclosed)													P	
warehouses (self-storage)									P	P			P	
water treatment plants													P	
<b>Manufacturing and Industrial uses</b>														
aircraft and parts													P	
ammunition, small arms													P	<b>Note 22</b>
animal feeds (including dog & cat)													P	
animal slaughter or rendering													P	
apparel and finished fabric prod.													P	
arms and weapons													P	
asbestos, abrasive and related products													P	
asphalt plants													P	<b>Note 23</b>
audio, video and communications equipment													P	
bakery products													P	
batteries													P	
beverage products (alcoholic)												P	P	
beverage products (nonalcoholic)												P	P	
bicycle assembly													P	
bicycle parts and accessories												P	P	
boat and ship building												P	P	
brooms and brushes												P	P	
burial caskets												P	P	
chemicals, paints and allied products													P	
coffee												P	P	
computer and office equipment												P	P	

**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
concrete, cut stone and clay products, ready-mix plants												P	P	
contractors (no outside storage)										P		P	P	
contractors, general building													P	
contractors, heavy construction													P	
contractors, special trade													P	
costume jewelry and notions												P	P	
dairy products												P	P	
drugs													P	
electrical industrial apparatus, assembly												P	P	
electrical industrial apparatus, manufacturing												P	P	
electrical components												P	P	
electrical equipment												P	P	
fabricated metal products (including can manufacturing)													P	
fabricated valve and wire products												P	P	
facts and oils, animal													P	
facts and oils, plant												P	P	
fish, canned, cured or frozen													P	
floor coverings (excluding carpet)													P	
food and related products, miscellaneous												P	P	
furniture framing												P	P	
furniture and fixtures assembly												P	P	
furniture and fixtures												P	P	
glass													P	
glass products from purchased glass												P	P	
grain mill products												P	P	



**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
heating equipment and plumbing fixtures												P	P	
household appliances												P	P	
ice										P		P	P	
industrial and commercial machinery												P	P	
jewelry and silverware (no plating)												P	P	
lighting and wiring equipment												P	P	
logging and wood, raw materials												P	P	
manufactured housing and wood buildings												P	P	
measurement, analysis and control instruments												P	P	
meat/poultry, packing and processing (no rendering)													P	
medical, dental and surgical equipment												P	P	
metal coating and engraving												P	P	
metal fasteners (screws, bolts, etc.)												P	P	
millwork, plywood and veneer												P	P	
mining and quarrying													P	<b>Note 24</b>
motor vehicle assembly													P	
motor vehicle parts and accessories												P	P	
motorcycle assembly												P	P	
musical instruments												P	P	
paper products (no coating or laminating)												P	P	
paper products (coating or laminating)													P	
paperboard containers and boxes												P	P	
pens and art supplies												P	P	
petroleum and related products													P	<b>Note 25</b>

**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
pharmaceutical preparations												P	P	
photographic equipment												P	P	
photographic supplies												P	P	
pinestraw buying/baling stations												P	P	
pottery and related products			<b>P</b>									P	P	
preserved fruits & vegetables (no can manufacturing)												P	P	
primary metal products and foundries													P	
printing and publishing												P	P	
pulp and paper mills													P	
rubber and plastics miscellaneous												P	P	
rubber and plastics, raw													P	
salvage yards auto parts													P	<b>Note 26</b>
savage yards, scrap processing													P	<b>Note 26</b>
sawmill or planing mills													P	
signs												P	P	
soaps and cosmetics												P	P	
solar energy system-level 3 (special use permit required)		<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>Note 34</b>
sporting goods and toys												P	P	
sugar and confectionary products												P	P	
surface active agents													P	
textile products (no dyeing & finishing)												P	P	
texting products (with dyeing & finishing)													P	
tires and inner tubes													P	
tobacco products													P	
wood containers												P	P	
wood products, miscellaneous												P	P	

**Section 6.2 Table of Permitted Uses**

<b>Uses Types</b>	<b>Ref SIC</b>	<b>R-20</b>	<b>RA-20</b>	<b>R-10</b>	<b>R-8</b>	<b>R-6</b>	<b>R-6M</b>	<b>O&amp;I</b>	<b>B-1</b>	<b>B-2</b>	<b>B-3</b>	<b>I-1</b>	<b>I-2</b>	<b>Special Requirements</b>
<b>Other Uses</b>														
automotive parking (subject to Article VIII)		P	P	P	P	P	P	P	P	P	P	P	P	
christmas tree sales			P						P	P	P	P	P	
outdoor retail sales										P			P	
sexually oriented business										P				<b>Note 28</b>
temporary construction, storage or offices; real estate sales or rental offices (with current building permit for permanent building)		P	P	P	P	P	P	P	P	P	P	P	P	
temporary events, including but not limited to														
arts and crafts shows			P						P	P	P	P	P	
carnivals and fairs			P						P	P		P	P	
concerts, stage shows			P						P	P		P	P	
conventions, trade shows									P	P		P	P	
outdoor religious events			P						P	P		P	P	
yard sales (see accessory uses and structures)									P	P		P	P	<b>Note 30</b>