

- (f) Cul-de-sacs (tangent portion): 50 feet.
- (2) Pavement width edge-to-edge of pavement shall not be less than the following:
  - (a) Major thoroughfare: as determined by the town and/or NCDOT;
  - (b) Minor thoroughfare: 55 feet;
  - (c) Collector/subcollector streets: 27 feet;
  - (d) Local residential streets: 23 feet;
  - (e) Marginal access streets: 26 feet; and
  - (f) Cul-de-sacs (tangent portion): 23 feet.

(3) Where the town design standards specifies that streets be constructed without curb and gutter, pavement widths may vary according to the design standards. All pavement widths in excess of the minimum must be approved by the town.

(G) *Private street design criteria.*

(1) Private streets may be permitted in developments where, in the judgment of the Town Council, the nature and location of the proposed subdivision justify the need for a privately maintained street.

(2) The minimum design standards for all private streets will be equivalent to the minimum public street design standards delineated in division (F) above, as well as the town design standards.

(3) An owners' association is required to own and maintain all private streets allowed under this chapter. All private streets will be indicated as such on the plat.

(4) No through street in a residential area connecting two public streets can be designated as a private street, unless approved by the Town Council.

(5) All private streets, connecting with state-maintained streets, require an approved driveway application from the NCDOT.

(6) In the event sidewalks are constructed, the minimum width shall be four feet.

(7) A disclosure statement in accordance with G.S. § 136-102.6 shall be recorded simultaneously with the plat and referenced on the final plat. The disclosure statement must contain the provision(s) for construction and/or maintenance of the private street. (See Appendix A.)

(H) *Intersecting street angle.*

(1) All streets shall intersect at or as near to 90 degrees as possible within topographic limits, and no street shall intersect any other street at an angle less than 75 degrees.

(2) All streets crossing natural areas, wetlands or stream buffers must cross at or as near to 90 degrees as possible within topographic limits.

(I) *Cul-de-sac.* The maximum distance from an intersecting through street to the end of a cul-de-sac shall be 400 feet, except where, upon the approval of the Town Council, existing conditions warrant a modification of this requirement. The radius of the paved portion of a cul-de-sac turnaround shall be 35 feet or if an unpaved island is incorporated into the cul-de-sac the radius shall be 40 feet and the radius of the island shall be ten feet. The right-of-way portion of the turnaround shall have a minimum radius equal to the pavement radius plus 15 feet. Unpaved islands must be designed according to the specifications of the town.

(J) *Minimum street offset.*

(1) Where streets are offset, the centerlines shall be offset no less than 150 feet.

(2) Except where no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersecting street is a major thoroughfare, the distance between intersecting streets shall be at least 1,000 feet.

(K) *Water drainage from streets.*

(1) Swales and ditches shall be required in all subdivisions unless specified otherwise by the town Design Standards. Swales and ditches and, when required, curbs and gutters shall be constructed in conformance with the design criteria of the town design standards or the standards of the NCDOT whichever is more restrictive.

(2) As provided in G.S. § 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT.

(L) *Temporary turnarounds.* Streets stubbed to adjoining property or phase lines may be required to have a temporary turnaround at the end of the street which will be sufficient to permit service vehicles to turnaround. The radius of the temporary turnaround shall be a minimum of 40 feet. Temporary turnarounds shall be paved or graveled in accordance with the town's specifications and standards.

(M) *Grades and elevation.*

(1) The maximum grade at any point on a street constructed without curb and gutter shall be 6%. On streets constructed with curb and gutter, the grade shall not exceed 6%, unless no other practicable alternative is available. In no case, however, may streets be constructed with grades that exceed 10%.

(2) The grade on stop streets approaching an intersection shall not exceed 5% for a distance of not less than 100 feet from the centerline of the intersection.

(3) All streets shall be constructed in such a manner that all elements of the street are one foot above the base flood elevation. If curb and gutter are used then the gutter line shall be one foot above the base flood elevation. If no curb and gutter are used, then the edge of pavement shall be one foot above the base flood elevation.

(N) *Sight distance easements.* Triangular sight distance easements shall be shown in dashed lines at all street intersections and so noted on the subdivision plat. These easements will remain free of all structures, trees, shrubbery and signs, except utility poles, fire hydrants and traffic control signs. The location and extent of sight distance easements will be determined by the town and by the NCDOT on all state-maintained streets.

(O) *Street names and property addresses.* Streets which are obviously in alignment with existing streets shall generally bear the name of the existing street. Street names shall not duplicate or closely approximate phonetically the names of existing streets in the town. Street suffixes and addresses shall conform to the standards established by the town.

(P) *Street name and traffic control signs.* Street name and traffic control signs which meet the town and NCDOT specifications shall be placed at all public and private street intersections. The town shall approve the location of all signs to be placed on town-maintained street rights-of-way prior to installation. The developer shall be responsible for installing all street name and traffic control signs. The maintenance of signs on private streets and drives shall be the responsibility of the owner or of an owners' association, as applicable.

(Q) *Street construction plans.* Construction plans for all streets that are proposed to be town-maintained shall be submitted to the town following preliminary plat approval. Construction plans for all subdivision streets that are proposed for state maintenance shall be submitted to the NCDOT following preliminary plat approval. No street improvements shall be constructed until street construction plans have been reviewed and approved by the either the town or the NCDOT, as applicable.

(R) *Street inspection.* Work performed pursuant to approved street construction plans shall be inspected and approved by either the town or the NCDOT, as applicable.

(S) *Street lights.* Street lights shall be provided in accordance with the town's policies, standards and specifications for street lighting.

(T) *Bridges.* All bridges shall be constructed in accordance with the standards and specifications of the NCDOT, except that bridges on roads that will not be publicly dedicated may be approved if designed by a registered, professional engineer.  
(Ord. passed 2- -2004, § 4-4)

#### § 152.069 BLOCKS.

(A) *Block length.* Intersecting streets shall be laid out at such intervals that block lengths are not more than 1,500 feet or less than 400 feet except where, upon the approval of the Town Council, existing conditions justify a modification of this requirement.

(B) *Block width.* Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or nonresidential uses.  
(Ord. passed 2- -2004, § 4-5)

#### § 152.070 UTILITIES AND STORMWATER MANAGEMENT.

(A) *Utility construction plans.* Construction plans for all water and sanitary sewer facilities shall be submitted to the town or other appropriate utility provider following preliminary plat approval. For each

subdivision section, the utility construction plans shall include all improvements lying within or adjacent to that section as well as all water and sanitary sewer lines lying outside that section and being required to serve that section. No utility improvements shall be constructed until the utility construction plans have been reviewed and approved by the applicable utility provider.

(B) *Utility improvements inspection.* Work performed pursuant to approved utility construction plans shall be inspected and approved by the applicable utility provider.

(C) *Public water and sewer construction requirements.*

(1) Water and sewer lines, connections and equipment shall be constructed in accordance with state and local regulations and policies and to the specifications and standards of the applicable utility provider.

(2) In the interest of adequately providing service to adjacent properties, the town may require the installation of certain oversized utility improvements or the extension of utility improvements to adjacent properties. If the town requires the installation of utility improvements in excess of the standards and specifications required in this chapter as well as those adopted by reference, the town shall pay the cost of differential between the required oversized improvements and the standard improvements required by this chapter.

(3) As-built drawings shall be submitted to the Administrator within 30 days of the completion or installation of required utility, stormwater, street, park and recreational improvements. Final plat approval shall be withheld until all required as-built drawings are provided to the town.

(D) *Water and sewer connection.*

(1) Connection of each lot to public water and sewer utilities shall be required if the proposed subdivision is within 200 feet of the nearest adequate lines of a public system, provided that no geographic or topographic factors would make such connection infeasible or that a specific waiver of this requirement is granted by the Town Council. Where public sewer is not available, lots shall be evaluated, at the developer's expense, in accordance with *Laws and Rules for Sanitary Sewage Collection, Treatment, and Disposal 15A N.C.A.C. 18A 1990*. Approval of the County Health Department shall be obtained after preliminary plat approval. The final plat shall show lot(s) denied or not evaluated crosshatched and labeled "NO IMPROVEMENT PERMIT HAS BEEN ISSUED FOR THIS LOT."

(2) Water and sewer lines shall be constructed in conformance with the design criteria of the town *Water and Wastewater Improvements Standards and Specifications* or to the standards and specifications of another water and sewer service provider if applicable.

(3) Water and/or sewer connections to subdivisions located within the town's ETJ shall be approved by the Town Council or other applicable utility provider prior to preliminary plat approval. Voluntary annexation of such subdivisions shall be a prerequisite to the provision of water and/or sewer service by the town.

(E) *Utility and drainage easements.*

(1) Easements shall be provided for electrical, telephone, natural gas, cable television, water, and sewer utilities where necessary to serve every platted lot. The developer and the utility provider(s) shall agree on the location and the width of the easements. Any easements for subsurface sewage disposal systems shall be delineated on the final plat and described by bearings and distances.

(2) The developer shall transfer to the applicable utility provider the necessary ownership or easement rights to enable the utility provider to operate and maintain the utility facilities. In addition, the developer shall dedicate sufficient easement rights to accommodate the extension of utility service to adjacent or nearby properties whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby developments.

(3) Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose of drainage. Parallel streets may be required in connection therewith.

(4) Lakes, ponds, creeks and similar areas will be accepted for maintenance only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the drainage control system. The acceptance of such dedicated areas must be reviewed and recommended by the Town Council before the Town Council will consider accepting it.

(F) *Stormwater management.*

(1) A surface water drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges and the like, shall be provided for the proper drainage of all surface water. The surface water drainage system plan shall be designed in accordance with the Sedimentation Pollution Control Act, the North Carolina Stormwater Runoff Regulations, the Handbook for the Design of Highway Surface Drainage Structures, and the specifications and standards of the town.

(2) The storm drainage system shall follow existing topography as nearly as practical, shall divert stormwater away from surface waters, and shall incorporate stormwater Best Management Practices to minimize adverse water quality impacts. The banks of ditches shall be immediately seeded upon grading and installation of utilities and the ditch itself shall be improved with appropriate vegetative cover to retard erosion.

(3) No surface water shall be channeled into a sanitary sewer.

(4) Storm drainage systems shall be above ground swales and ditches constructed to the specifications of the town, unless the town approves an alternative surface storm drainage system design.

(5) Where feasible, the subdivider shall connect the new subdivision's storm drainage system to an existing storm drainage system. Where an existing storm drainage system cannot feasibly be extended to the new subdivision, a drainage system shall be designed to protect the proposed development from water damage. Ten-year storm drainage data shall be used as a minimum standard for storm drainage system design.

(6) The property owner, when installing underground storm drains and/or extending existing storm drainage on private property will install piping in accordance with the town's specifications and approval. The pipe size, alignment, grade, length, discharge point, structural accessories (such as manholes, headwalls, catch basins, junction boxes) and other specifications shall be determined by the town. The town will not open, clean, or maintain storm channels, creeks or storm water piping beyond the street right-of-way.

(7) All detention/retention facilities shall be within storm drainage easements. All retention facilities shall be maintained by an approved and properly recorded property owners association. All detention facilities which are more than one acre in area or more than two feet deep shall be maintained by an approved and properly

recorded property owner association. All detention facilities which are less than one acre and less than two feet deep shall be maintained by the property owner of record or property owner association.

(8) All new development shall adhere to the Riparian Buffer Protection Rules for the Tar-Pamlico River Basin as mandated by the State Division of Water Quality as well as any other federal or state law regulating stormwater requirements.

(G) *Fire hydrants.* Every subdivision served by a public water system shall include a system of fire hydrants located such that each structure or portion thereof will be within 500 feet of a hydrant. This determination shall be made via vehicle access routes (roadways, fire lanes and the like) and by hose placement from the firefighting equipment in lieu of linear measurements. This is meant to reflect the actual length of fire hose which would be laid by the fire department to reach the farthest point of the structure. Distances shall be measured beginning at the point of the structure farthest from the hydrant, thence along an unobstructed pathway to a point in the centerline of the street, thence along the centerline of the street to a point opposite the hydrant. **UNOBSTRUCTED PATHWAY** means a route which shall be, and remain, free of all obstacles to the passage of firefighters, hose and equipment for a width of ten feet and a minimum vertical distance of 13 feet six inches and shall not be through, under or over any portion of any structure, ditch or waterway. Fire hydrants shall be located at the right-of-way and the hydrant shall be located as not to exceed 600 feet between hydrants. When practical, hydrants shall be located at street intersections with intermediate hydrants between intersections and at entrance drives to the property. On cul-de-sacs, a fire hydrant shall be located at the intersection end of the cul-de-sac. Additional fire hydrants may be required along the cul-de-sac in order to meet the requirements of this chapter. For any structure that has a sprinkler system or standpipe system, a fire hydrant shall be located no more than 100 feet from the fire department connection. This hydrant shall be dedicated to the Fire Department connection and shall be in addition to the hydrants required above. When possible, fire hydrants shall be located a minimum of 50 feet from any structure. In proposed subdivisions, where all structures have not been constructed, hydrant spacing shall be measured along the street right-of-way with spacing provided as shown above. Dead-end water mains shall be provided with a fire hydrant. Water mains serving fire hydrants shall be a minimum of six inches in diameter.

(H) *Electrical service and underground wiring.* Every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of the uses anticipated within the subdivision. All utility lines for distribution of electric service and communication services shall be installed underground within all subdivisions. Such underground wiring shall be installed in accordance with the standards and specifications of the town or the applicable electric supplier and communications company.

(I) *Telephone service.* Every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of the uses anticipated within the subdivision.  
(Ord. passed 2- -2004, § 4-6)

#### § 152.071 SIDEWALKS.

(A) The Director of Public Works may require the construction of sidewalks adjacent to one side of new streets in subdivisions in which pedestrian traffic is projected to be heavy due to the proximity of schools, parks, open space, playgrounds or other community or private facilities that generate substantial amounts of pedestrian traffic. Within any subdivision located adjacent to a major thoroughfare, minor thoroughfare, or collector street, the Director of Public Works may require the construction of sidewalks adjacent to both sides of the street. Sidewalks and their associated driveways shall be constructed within the street right-of-way and installed in accordance with the specifications and standards delineated by the town.

(B) As provided in G.S. § 136-44.14, whenever curb and gutter construction is used on public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the NCDOT.

(C) Whenever the Director of Public Works concludes that a means of pedestrian access is necessary from a subdivision to schools, parks, playgrounds or other streets or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the subdivider may be required to reserve an unobstructed easement of at least ten feet in width to provide such access.

(Ord. passed 2- -2004, § 4-7)

### § 152.072 TOWNHOUSES.

Subdivisions designed to accommodate townhouse development shall comply with the additional applicable provisions of the town zoning ordinance (Chapter 153).

(Ord. passed 2- -2004, § 4-8)

### § 152.073 PLANNED UNIT DEVELOPMENTS.

(A) *Coordination with zoning provisions.* Planned unit developments shall comply with the applicable provisions of the zoning ordinance (Chapter 153). The review of applications and site plans for a PUD and the plat review process shall be conducted simultaneously.

(B) *Conveyance and maintenance of common open space.*

(1) (a) All common open space, shown on the final plat plan and recorded in the county office of the Register of Deeds, must be conveyed by the following method: by leasing or conveying title (including beneficial ownership to a corporation, association or other legal entity).

(b) The terms of such lease or other instrument of conveyance must include provisions suitable to the Town Council for guarantee:

1. The continued use of such land for the intended purposes;
2. Continuity of proper maintenance for the portions of the open space land requiring maintenance; and
3. When appropriate, the availability of funds required for such maintenance.

(2) Planned unit developments shall reserve not less than 20% of gross acreage as open space. Said open space shall be proportionally distributed throughout the total residential area as nearly as possible.

(3) A minimum of 25% of the required open space shall be developed for recreational purposes and said recreation space may be located in one or more sites within the total area occupied by the PUD. Recreation space herein defined may be natural or landscaped for the use of active or passive recreation and should be located in a usable recreational area.

(4) In any event, the developer must file in the County Register of Deeds office, at the time the approved final subdivision map is filed, legal documents which will produce the aforesaid guarantees and, in particular, will provide a method for restricting the use of common space for the designated purposes. (Ord. passed 2- -2004, § 4-9)

#### § 152.074 CONSERVATION SUBDIVISION.

##### (A) *Purposes.*

(1) The intent of the town is to protect its citizens and the town by protecting the capacity of the environment to absorb and convey stormwater in such a manner as to not adversely impact life or property and to protect the public health, safety and welfare of the citizens of the town and minimize the potential for future public maintenance expenditures often associated with development in flood-prone and drainage areas.

(2) Other purposes include:

- (a) To preserve the capacity of the natural drainage system to convey stormwaters effectively;
- (b) To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams and woodlands;
- (c) To encourage clustering of houses on more suitable soils;
- (d) To encourage clustering in order to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; and
- (e) To reduce erosion and sedimentation by minimizing land disturbance and the removal of vegetation often associated with development.

##### (B) *General regulations.*

(1) Tracts of land or parcels containing acreage within the 100-year floodplain or land subject to the riparian buffer protection rules for the Tar-Pamlico River Basin shall be subdivided according to the following regulations.

(a) The portion of a proposed subdivision that lies within the 100-year floodplain shall not be subdivided into more than one lot; or, such land may be omitted from the proposed subdivision and retained by the property owner or platted as an open space tract and dedicated to a public or private legal entity that will ensure the conservation of the tract in perpetuity as open space. The determination of the 100-year floodplain shall be based upon information provided by the Federal Emergency Management Agency (FEMA) or produced under the cooperative technical state (CTS) agreement between the state and FEMA in its flood hazard boundary map (FHBM) or flood insurance study (FIS) and its accompanying flood maps such as the flood insurance rate map(s) (FIRM) and/or the flood boundary floodway map(s) (FBFM), for the county.

(b) Land subject to the riparian buffer protection rules for the Tar-Pamlico River Basin shall not be subdivided into individual building lots. Such land shall be omitted from the proposed subdivision and retained by the property owner or platted as stormwater buffer and dedicated to a public or private legal entity that will ensure the conservation of the tract in perpetuity as an open space stormwater buffer. Land subject to the Riparian

Buffer Protection Rules for the Tar-Pamlico River Basin shall be designated as a stormwater buffer area on the preliminary plat and the final plat.

(c) All 100-year floodplain areas and stormwater buffer areas shall be shown and identified on the sketch plan, preliminary plat, and the final plat by showing the boundaries, labeling and shading or hatching the areas.

(2) The open space or stormwater buffer shall be protected in perpetuity by a binding legal instrument that is recorded with a deed. The instrument shall be one of the following:

(a) A permanent conservation easement in favor of either:

1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instrument shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions;

2. A governmental entity with an interest in pursuing goals compatible with the purposes of this chapter; or

3. If the entity accepting the easement is not the town, then a third right of enforcement favoring the town shall be included in the easement.

(b) Ownership retained by a homeowners' association representing the residents of the conservation subdivision.

1. Membership in the homeowners' association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the homeowners' association.

2. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the town may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of the extended maintenance. The costs of such maintenance may be charged to the homeowners' association, or to the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

(c) An equivalent legal tool that provides permanent protection, if the approved by the Town Council of the town.

(3) If the Town Council permits any development within any portion of the 100-year floodplain special measures must be taken to mitigate flood damages. The determination of the 100-year floodplain shall be based upon information provided by the Federal Emergency Management Agency (FEMA) or produced under the cooperative technical state (CTS) agreement between the state and FEMA in its flood hazard boundary map (FHBM) or flood insurance study (FIS) and its accompanying flood maps such as the flood insurance rate map(s) (FIRM) and/or the flood boundary floodway map(s) (FBFM), for the county. Tracts of land and lots within the 100-year floodplain shall be subdivided according to the following regulations.

(a) Driveway elevations shall be a minimum of one foot above the established base flood elevation.

(b) All mechanical and electrical equipment shall be located two feet above the base flood elevation; or, if the base flood elevation is unknown it shall be elevated two feet above the best known flood elevation.

(c) A 25-foot wide yard at or above the base flood elevation in all directions from the principal structure. If a smaller lot size does not allow a 25-foot wide yard in all directions from the principle structure, then any portion of the yard less than 25 feet must be at or above the base flood elevation.

(d) Front yard, excluding ditches and drainage easements, must be at or above the 100-year flood level.

(e) A minimum of 10,000 square feet of the lot, contiguous to the footprint of the structure, must be at or above the 100-year flood level and unencumbered by easements. If a lot size of 10,000 square feet or smaller is permitted, then the entire lot must be at or above the 100-year flood level and unencumbered by easements.

(f) No tract of land or lot located within the 100-year floodplain shall be considered a suitable residential building site without the following conditions.

1. Structures shall be elevated such that the lowest finished floor elevation is at least two feet above the 100-year flood elevation. This may be accomplished by use of engineered compacted fill or a request for alternate means may be considered by the town on a case-by-case basis dependent on merit.

2. Engineered compacted fill shall consist of material specified in the town's *Design Standards Manual*. The fill shall extend at least five feet horizontally beyond the outside building footprint perimeter and shall have side slopes no greater than three to one.

3. Adequate site drainage, as required to eliminate nuisance water ponding underneath and around the proposed structures, must be achieved and a minimum 0.5% positive drainage away from the structure on all sides shall be provided.

4. The town shall require hydraulic analysis by a qualified engineer demonstrating the 100-year floodplain elevation and demonstrating that any fills required for proper development under this section shall cause no more than a one foot rise in the current 100-year flood elevation. Where encroachments on existing watercourses are planned, a Hydraulic Engineering Circular #2 analysis or alternative hydraulic analysis acceptable to the town is required to establish conformance with this requirement.

5. Development within the 100-year floodplain shall be considered only on a case-by-case basis and any such development shall be submitted to the town with any lots or building sites requiring fill noted on the preliminary plat and final plat and accompanied with the above described required information.

6. Where the existing flood maps do not extend sufficiently upstream to determine the existing 100-year flood elevation, the developer shall utilize hydrologic and hydraulic techniques performed by experienced professionals to establish a 100-year flood elevation for the site.

(Ord. passed 2- -2004, § 4-10)

**§ 152.075 BUFFER AREAS.**

(A) In subdivisions located in residential zoning districts, a buffer strip at least 20 feet in depth, in addition to normal lot depth or width required, shall be provided adjacent to all major and minor thoroughfare highways, and industrial and commercial uses or zoning districts. This strip shall be a part of the platted lots and shall have the following notation lettered on the face of the plat: (This strip is reserved for the planting of trees or shrubs by the property owner; the building of structures herein is prohibited.)

(B) The buffer area specified in division (A) above shall not be required if the Town Council, at the time of plat approval, an adequate buffer area currently exists on the adjacent property.

(C) All new development shall adhere to the Riparian Buffer Protection Rules for the Tar-Pamlico River Basin as mandated by the North Carolina Division of Water Quality as well as § 152.074, and any other local, state or federal law regulating buffer requirements.

(Ord. passed 2- -2004, § 4-12)

**§ 152.076 SITES FOR PUBLIC USES.**

In subdividing property, due consideration shall be given by the developer to the reservation of suitable sites for school and other public uses in accordance with G.S. § 160A-372.

(Ord. passed 2- -2004, § 4-13)

**§ 152.077 PLACEMENT OF MONUMENTS.**

The Standards of Practice for Land Surveying in North Carolina, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, shall apply when installing monuments.

(Ord. passed 2- -2004, § 4-14)

**§ 152.078 COORDINATION WITH ZONING REQUIREMENTS AND OTHER OFFICIAL MUNICIPAL ORDINANCES AND PLANS.**

Proposed subdivisions must comply in all respects with the requirements of the town zoning ordinance (Chapter 153) and with any ordinances and plans officially adopted by the town. Whenever there is a conflict between requirements, the more restrictive shall apply.

(Ord. passed 2- -2004, § 4-15)

**§ 152.079 COORDINATION WITH STATE AND FEDERAL REQUIREMENTS.**

All lots, structures, utilities, land disturbing activities and filling activities shall comply with any applicable state and federal regulations, including, but not limited to, the Coastal Area Management Act (CAMA) of 1974, being G.S. § 113A-100 et seq.; § 404 of the Clean Water Act, being 33 U.S.C. § 1344, Code of Federal Regulations; and the Sedimentation Pollution Control Act of 1973, being G.S. Ch. 113A, Art. 4. Whenever there is a conflict between requirements, the more restrictive shall apply.

(Ord. passed 2- -2004, § 4-16)

***SURETIES AND IMPROVEMENTS GUARANTEES*****§ 152.095 GENERALLY.*****(A) Agreement and security.***

(1) In lieu of requiring the completion, installation and dedication of all improvements prior to final plat approval, the town may enter into an agreement with the developer whereby the developer shall complete all required improvements.

(2) Once said agreement is signed by the developer and the security required herein is provided, the final plat may be approved if all other requirements of this chapter are met.

(3) To secure this agreement, the developer shall provide any or a combination of the following guarantees to cover the costs of the uncompleted improvements.

***(a) Surety performance bond(s).***

1. The developer shall obtain a surety bond from a surety bonding company authorized to issue said bonds in the state.

2. The bond shall be payable to the town and shall be in an amount equal to 125% of the entire estimated cost, as approved by the town, of installing all uncompleted improvements.

3. The bond amount and term shall be as approved by the Town Council.

4. The town's attorney shall review the submitted bond and make a recommendation regarding its sufficiency to the Town Council.

***(b) Cash or equivalent security.***

1. The developer shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the town or in escrow with a financial institution. The use of any instrument other than cash shall be subject to approval of the Town Council. The amount of deposit shall be equal to 125% of the entire estimated cost, as approved by the town, of installing all uncompleted improvements.

2. If cash or other instrument is deposited in escrow with a financial institution as provided above, then the developer shall file with the town an agreement between the financial institution and himself guaranteeing the following.

a. Said escrow account shall be held in trust until released by the town and may not be used or pledged by the developer in any other matter during the term of the escrow.

b. In case of a failure on the part of the developer to complete said improvements, the financial institution shall, upon notification by the town, immediately pay the funds deemed necessary by the town to complete the improvements, up to the full balance of the escrow amount, or deliver to the town any other instruments fully endorsed or otherwise made payable in full to the town.

c. All instruments shall be reviewed by the town's attorney and a recommendation regarding their sufficiency made to the Town Council.

(B) *Duration of financial guarantees.*

(1) The duration of a financial guarantee shall be of a reasonable period to allow for completion and acceptance of improvements. In no case shall the duration of the financial guarantee for improvements exceed one year.

(2) All developments whose improvements are not completed and accepted fourteen days prior to the expiration of the financial guarantee shall be considered to be in default. Said guarantee may be extended with the consent of the town, if such extension takes place prior to default.

(C) *Default.*

(1) Upon default, the surety bonding company or the financial institution holding the escrow account shall, if requested by the town, pay all or any portion of the bond or escrow fund to the town up to the amount deemed necessary by the town to complete the improvements. Upon payment, the town shall expend such funds or portion thereof to complete all or any portion of the required improvements. The town shall return any funds not spent in completing the improvements. Default on a project does not release the developer from liability and responsibility for completion of the improvements.

(2) The town may release a portion or all of any security posted as the improvements are completed and approved by the town.

(Ord. passed 2- -2004, § 5-1)

**§ 152.096 OWNERS' ASSOCIATIONS.**

(A) *Establishment of owners' association.*

(1) *Creation.* An owners' association shall be established to fulfill the requirement of the North Carolina Condominium Act, being G.S. Ch. 47C, or to accept conveyance and maintenance of all common areas and facilities within a development containing common areas.

(2) *Conveyance.* Where developments have common areas for facilities serving more than one dwelling unit, these areas shall be conveyed to the owners' association in which all owners of lots in the development shall be members. All areas other than public road rights-of-way, other areas dedicated to the town, and lots shall be shown and designated as common areas. The fee simple title of the common area shall be conveyed by the subdivider or developer to the owners' association.

(3) *Subdivision or conveyance of common area.* Common areas shall not be subsequently subdivided or conveyed by the owners' association unless a revised preliminary plat and a revised final plat showing such subdivision or conveyance have been submitted and approved.

(4) *Owners' association not required.* Developments involving only two units attached by a party wall shall not be required to have common areas or an owners' association. Developments with only two units attached and not having an owners' association shall have an agreement between owners concerning maintenance of party walls.

(B) *Submission of owners' association declaration.*

(1) Prior or concurrently with the submission of the final plat for review and approval, the applicant shall submit a copy of the proposed bylaws of the owners' association containing covenants and restraints governing the association, plats and common areas. The submitted documents shall be reviewed by the town attorney and a recommendation made to the Town Council as to their sufficiency.

(2) The restrictions shall include provisions for the following.

(a) *Existence before any conveyance.* The owners' association declaration shall be organized and in legal existence prior to the conveyance, lease-option or other long-term transfer of control of any unit or lot in the development.

(b) *Membership.* Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit. Provisions shall be made for the assimilation of owners in subsequent sections of the development.

(c) *Owners' association declaration.*

1. *Responsibilities of owners' association.* The owners' association declaration shall state that the association is responsible for:

- a. The payment of premiums for liability insurance and local taxes;
- b. Maintenance of recreational and/or other facilities located on the common areas; and
- c. Payment of assessments for public and private improvements made to or for the benefit of the common areas.

2. *Default of owners' association.* Upon default by the owners' association in the payment to the town of any assessments for public improvements or ad valorem taxes levied against the common areas, which default shall continue for a period of six months, each owner of a lot in the development shall become personally obligated to pay to the town a portion of the taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the town by the total number of lots in the development. If the sum is not paid by the owner within 30 days following receipt of notice of the amount due, the sum shall become a continuing lien on the property of the owner, his or her heirs, devisees, personal representatives and assigns. The town may either bring an action at law against the owner personally obligated to pay the same, or may elect to foreclose the lien against the property of the owner.

3. *Powers of the Association.* The owners' association is empowered to levy assessments against the owners of lots or units within the development. Such assessments shall be for the payment of expenditures made by the owners' association for the items set forth in this section, and any assessments not paid by the owner against whom such assessments are made shall constitute a lien on the lot of the owner.

4. *Easements.* Easements over the common areas for access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas, and for parking, shall be granted to each lot owner.

5. *Maintenance and restoration.* Provisions for common area maintenance of and restoration in the event of destruction or damage shall be established.

(d) *Declaration if condominium is nonresidential.* If the condominium is a nonresidential condominium, the declaration shall contain the following provision: parking spaces shall be allocated among the individual lots or units in such a manner that each unit is entitled to a sufficient number of parking spaces to comply with this chapter for the use intended to be located therein. The owners' association shall maintain a register listing the total number of parking spaces in the development and the number of parking spaces allocated to each lot or unit. A copy of this register shall be available to the Administrator at his or her request. The owners' association shall not reduce the number of parking spaces allocated to an individual lot or unit without the express written consent of the owner thereof, and in no case shall the number of parking spaces allocated to an individual unit be reduced to a number below that required by this chapter.  
(Ord. passed 2- -2004, § 5-2)

**INFORMATION REQUIRED WITH SUBDIVISION APPLICATIONS**

**§ 152.110 NUMBER OF REVIEW AND FILING COPIES TO BE SUBMITTED.**

<i>Type of Map or Plan</i>	<i>Review</i>	<i>Filing (After Approval)</i>	
	<i>No. of Prints</i>	<i>No. of Prints</i>	<i>No. of Mylars</i>
Final plat, major subdivision	10	2	2
Minor subdivision plat	3	1	1
Preliminary plat, major subdivision	10	4	1
Sketch plan	3	1	
Street and utility construction plans and profiles	As required by the town, NCDOT, and the applicable utility provider		
Note: an electronic copy, in a format acceptable to the town, of all approved final major subdivision plats shall also be provided to the town			

(Ord. passed 2- -2004, § A-1-1)

**§ 152.111 REQUIRED INFORMATION ON MINOR, SKETCH AND MAJOR SUBDIVISIONS.**

(A) Submission of all plats or maps shall contain the following information before submission to the Administrator for review.

(B) An "X" indicates required information.

(C) Additional information may be required for approval of the plat.

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(D) The Administrator may waive items required if it is judged that they are not necessary to complete the review.

<i>Information</i>	<i>Minor, Sketch and Major Subdivisions</i>			
	<i>Minor Part</i>	<i>Sketch Plan</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
Maps or plats submitted shall not exceed a maximum size of 24" by 36"			X	
Standard 18" by 24" sheet for plats to be recorded, minimum 1-1/2" border on the left side and a minimum 1/2" border on all other sides; or as required by the County Register of Deeds	X			X
Original drawn on material as required by the County Register of Deeds	X			X
Title block containing: Name of Subdivision	X	X	X	X
Name of the type of plat (minor plat, sketch plan, preliminary plat and the like)	X	X	X	X
Owner's name with address and daytime phone number	X	X	X	X
Location (including address, township, county and state)	X	X	X	X
Date(s) plat(s) prepared or revised	X	X	X	X
Scale of drawing in feet per inch. Drawing shall be at a scale of not less than 1" equal to 100'. If all lots are greater than 3 acres, a smaller scale may be used	X	X	X	X
Bar graph	X	X	X	X
Name, address, and telephone # of preparer of plat (licensed surveyor, engineer and the like)	X	X	X	X
Developer's name, address and daytime phone number (if different from owner's)	X	X	X	X
Zoning district(s) within the property and adjacent properties	X	X	X	X
Existing land use within the property and on adjacent properties	X	X	X	
Plat book or deed book reference	X	X	X	X
Names of adjoining property owners (or subdivisions or developments of record with plat book reference)	X	X	X	X
Tax map, block and parcel(s) number	X	X	X	X

<i>Information</i>	<i>Minor, Sketch and Major Subdivisions</i>			
	<i>Minor Part</i>	<i>Sketch Plan</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
Vicinity map showing location of site relative to surrounding area (typically drawn in upper right hand corner), at a scale of 1" = 2,000'	X	X	X	X
Corporate limits, county lines and other jurisdiction lines, if any, on the tract	X	X	X	X
Registration and seal of land surveyor	X			X
North arrow and orientation (north arrow shall not be oriented towards bottom of map)	X	X	X	X
Source of property boundaries signed or sealed by registered land surveyor, architect, landscape architect or engineer			X	
Boundaries of the tract to be subdivided or developed: distinctly and accurately represented and showing all distances	X	X	X	X
tied to nearest street intersection (within 300') or USGS (within 2,000')	X		X	X
showing locations of intersecting boundary lines or adjoining properties	X		X	X
Location and descriptions of all monuments, markers and control corners	X			X
Existing property lines on tract to be subdivided. If existing property lines are to be changed, label as 'old property lines' and show as dashed lines	X	X	X	X
Dimensions, location and use of all existing and proposed buildings; distances between buildings measured at the closest point; distance from buildings to the closest property lines	X			
The name and location of any property or building on the National Register of Historic Places or locally designated historic property	X	X	X	X
Railroad lines and rights-of-way	X	X	X	X
Water courses, ponds, lakes or streams	X	X	X	X
Marshes, swamp and other wetlands		X	X	
Areas to be dedicated or reserved for the public		X	X	X

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<i>Information</i>	<i>Minor, Sketch and Major Subdivisions</i>			
	<i>Minor Part</i>	<i>Sketch Plan</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
Areas designated as common area or open space under control of an owners' association	X		X	X
Location of designated recreation areas and facilities			X	X
Location of floodway and 100-year floodplain from approved sources and cross-section elevations	X	X	X	X
Location of stormwater buffers	X	X	X	X
Existing and proposed topography of tract and 100' beyond property showing existing contour intervals of no greater than 5' (2' where available) and labeling at least two contours per map and all others at 10' intervals from sea level			X	
Proposed lot lines and dimensions	X	X	X	X
Square footage of all proposed lots under an acre in size and acreage for all lots over an acre in size	X		X	X
Site calculations including: acreage in total tract	X	X	X	X
Acreage in public open space		X	X	X
Total number of lots proposed	X	X	X	X
Linear feet in streets			X	X
Area in newly dedicated rights-of-way			X	X
Lots sequenced or numbered consecutively	X		X	X
Street address as assigned by the town for each new lot	X			X
County Health Department information for subdivisions without public sewer available				
1) Each lot shall contain a statement concerning septic tank approval			X	X
2) Each lot that has been approved for an on-site subsurface sewage treatment and disposal system shall be shown. Denied lots or lots not evaluated shall be crosshatched and labeled (no improvement permit has been issued for this lot)	X			X
The following notes shall be shown:			X	X

Information	Minor, Sketch and Major Subdivisions			
	Minor Part	Sketch Plan	Preliminary Plat	Final Plat
1) There is no right to build upon or otherwise improve any of these lots until a valid written Improvement Permit has been obtained from the Health Department as required by state law. Contact the County Environmental Health Division concerning lot suitability for onsite subsurface sewage treatment and disposal systems.				
2) The location shown for designated septic system areas are approximate. Approval and designed area information for subsurface sanitary sewage systems is reproduced from information supplied by the County Department of Public Health and the Surveyor/Engineer makes no representation or warranty as to the accuracy of such information			X	
Street data illustrating: existing and proposed rights-of-way lines within and adjacent to property	X		X	X
Existing and proposed rights-of-way within and adjacent to property showing: total right-of-way width dimension	X		X	X
Right-of-way width dimension from centerline of existing public streets	X		X	X
Existing and proposed streets showing: pavement or curb lines			X	
Pavement width dimension (face-to-face)			X	
Cul-de-sac pavement radius			X	
Existing and proposed street names	X		X	X
Street profiles			X	
Location, dimension and type of all easements	X		X	X
Utility layout plan showing connections to existing systems, line sizes, material of lines, location of fire hydrants, blow-offs, valves, manholes, catch basins, force mains and the like for the following types of utility lines: sanitary sewer			X	
Water distribution			X	
Natural gas, electric, cable TV and the like			X	
Documentation of submission of an erosion control plan, if disturbing greater than one acre			X	

<i>Information</i>	<i>Minor, Sketch and Major Subdivisions</i>			
	<i>Minor Part</i>	<i>Sketch Plan</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
Documentation of approval of an erosion control plan, if disturbing greater than one acre				X
Evidence of Notification to US Army Corps of Engineers of Earth-Disturbing Activities in Wetlands, if applicable	X		X	
Size of planting yard, walls, berms and fences			X	
Existing and proposed signs (location, height and area)			X	
Location, dimensions and details of proposed clubhouses, pools, tennis courts, tot lots or other common area recreation facilities			X	
Certificates and endorsements (See Appendix A for wording): certificate of survey accuracy signed by surveyor and attested by notary public	X			X
Certificate of ownership	X			
Certificate of ownership and dedication				X
Certificate of minor plat approval	X			
Certificate of preliminary plat approval			X	
Certificate of final plat approval				X
Certificate of approval by Division of Highways, State Department of Transportation				X
Certificate stating that no approval is required by Division of Highways, State Department of Transportation				X
Certificate of utilities approval				X
Certificate of Health Department approval	X			X
Certificate of purpose for plat as required by G.S. § 47-30	X			X
Private streets disclosure statement				X

(Ord. passed 2- -2004, § A-1-2)

**§ 152.112 DOCUMENTS AND WRITTEN INFORMATION IN ADDITION TO MAPS AND PLANS.**

In addition to the written application and the plats, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representative list of the types of information or documents that may be requested at the time of plat submission:

<i>Information</i>	<i>Minor and Major Subdivisions</i>		
	<i>Minor Plat</i>	<i>Preliminary Plat</i>	<i>Final Plat</i>
Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person	X	X	
Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development and that all necessary easements have been provided		X	
Detailed descriptions of recreational facilities to be provided		X	
Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities			X
Bonds, letters of credit or other surety devices			X
A traffic impact study performed and prepared by a qualified transportation or traffic engineer or planner	X		
Time schedules for the completion of phases in staged development	X		
The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion		X	
If any street is proposed to intersect with a state-maintained street, a copy of the application for driveway approval as required by the Department of Transportation, Division of Highways Manual on Driveway Regulations			
Proposed deed restrictions or covenants to be imposed upon newly created lots		X	

(Ord. passed 2- -2004, § A-1-3)





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on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Town Council of the Town of Bethel in the public interest.

_____	Owner	_____	Date
_____	Owner	_____	Date
_____	(Notarized)	_____	Date

(3) *Certificate of Minor Plat Approval.*

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with the Subdivision Ordinance of the Town of Bethel, and that therefore this plat has been approved by the Administrator, subject to its being recorded in the Pitt County Registry within 60 days of the date below.

\_\_\_\_\_ Administrator \_\_\_\_\_ Date

(4) *Certificate of Preliminary Plat Approval.*

I hereby certify that the Town Council of the Town of Bethel approved on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ the preliminary plan of subdivision as shown on this plat. Preliminary approval is valid for a period of 12 months from the above date or as established under the vested rights procedures, if applicable.

\_\_\_\_\_ Administrator \_\_\_\_\_ Date

(5) *Certificate of Final Approval.*

I hereby certify that the subdivision depicted hereon has been granted final approval pursuant to the Subdivision Ordinance of the Town of Bethel subject to its being recorded in the Office of Register of Deeds within 60 days of the date below.

\_\_\_\_\_ Town Manager \_\_\_\_\_ Date

I hereby certify that streets, utilities and other improvements have been installed in an acceptable manner and according to specifications of the Town of Bethel in the subdivision depicted hereon or that a performance bond or other sufficient surety in the amount of \$\_ has been posted with the Town of Bethel to assure completion of required improvements.

\_\_\_\_\_ Town Manager \_\_\_\_\_ Date

(6) *Certificate of Survey and Accuracy.*

I, \_\_\_\_\_, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book\_, page\_, etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book\_, page \_; that the ratio of

precision as calculated is 1:\_\_\_; that this plat was prepared in accordance with G.S. § 47-30 as amended. Witness my original signature, registration number and seal this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

Seal or Stamp of Surveyor

\_\_\_\_\_  
Surveyor

\_\_\_\_\_  
Registration Number

(7) *Division of Highways District Engineer Certificate.*

I hereby certify that the streets as depicted hereon are/are not consistent with the requirements of the North Carolina Department of Transportation.

\_\_\_\_\_ District Engineer      \_\_\_\_\_ Date

(8) *Private Streets Disclosure Statement.* The following statement shall be placed on all subdivision plats which include private streets:

“The maintenance of streets designated on this plat as ‘private’ shall be the responsibility of property owners within this development having access to such roads. Private streets as shown hereon were not constructed to the minimum standards required to allow their inclusion, for maintenance purposes, on the North Carolina highway system nor on the Town of Bethel street system. Neither the Town of Bethel nor the North Carolina Department of Transportation will maintain a private street.”

(9) *Health Department Certificate.* The following statement shall be placed on all subdivision plats which include building lots that do not have public sewer service available to them:

“The Pitt County Environmental Health Section has performed a soil evaluation on each lot within this subdivision. Results of these evaluations are available for review in the offices of the Environmental Health Section during normal office hours. These soil evaluations should be reviewed prior to the purchase of any lot. An improvements permit for a ground absorption sewage disposal system and/or water supply permit will be required prior to obtaining a building or manufactured home permit.”

\_\_\_\_\_ Supervisor,      \_\_\_\_\_ Date  
Environmental Health  
Section or Authorized  
Representative

(10) *Utilities Certificate.*

I hereby certify that the \_\_\_\_\_ improvements have been installed in an acceptable manner and in accordance with the requirements of the Subdivision Ordinance of the Town of Bethel.

Signature of Authorized Agent \_\_\_\_\_ Date \_\_\_\_\_

(11) *Certificate of Purpose of Plat.* The final plat shall contain one of the following statements, signed and sealed by the plat preparer:

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- a. This survey creates a subdivision of land within the jurisdictional area of the Town of Bethel and that the Town has an ordinance that regulates parcels of land;
- b. This survey is located in a portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land;
- c. Any one of the following:
  - 1. This survey is of an existing parcel or parcels of land and does not create a new road or change an existing street;
  - 2. This survey is of an existing building or other structure, or natural feature, such as a water course;
  - 3. This survey is a control survey;
- d. This survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision; or
- e. The information available to the surveyor is such that the surveyor is unable to make a determination to the best of the surveyor's professional ability as to provisions contained in [subsection] (a) through (d) above.

Signed: \_\_\_\_\_ SEAL

Surveyor

Date: \_\_\_\_\_

(12) *Certificate of Exemption.* Plats deemed to be an exemption to the provision of this chapter shall contain the following statement prior to the owner's recording of such plats:

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book \_\_\_\_, Page \_\_\_\_, and that said property qualifies as an exemption to the provisions of the Subdivision Ordinance of the Town of Bethel.

_____	Owner	_____	Date
_____	Owner	_____	Date
_____	Administrator	_____	Date

(13) *Acknowledgment of Recordation of Non-evaluated/Non-buildable Lot(s).* The following statement may be utilized in those situations in which heir property is subdivided or whenever a property owner wishes to record property that is not to be sold, transferred, conveyed or represented as a buildable property:

I (We) the undersigned property owners do hereby acknowledge that the plat entitled \_\_\_\_\_ and dated \_\_\_\_\_ has \_\_\_\_\_ lot(s) that has (have) not been evaluated by the Pitt County Environmental Health Section and has (have) been determined to be NON-BUILDABLE by the Administrator.

I (We) further understand that this plat can be recorded; however, no structure can be permitted without further review and approval of the Pitt County Environmental Health Section and the Town of Bethel.

Signed by:

_____	Owner	_____	Date
_____	Owner	_____	Date
_____	Owner	_____	Date
_____	Owner	_____	Date

Witness: \_\_\_\_\_ Administrator \_\_\_\_\_ Date

(Ord. passed 2- -2004, § A-2-2)



## CHAPTER 153: ZONING CODE

### Section

#### *General Provisions*

- 153.01 Purpose
- 153.02 Definitions
- 153.03 Zones and boundaries thereof

#### *Zoning Districts*

- 153.15 RA-20 Residential/Agricultural Zone
- 153.16 R-15 Residential Zone
- 153.17 R-75 Residential Zone
- 153.18 R-6 Residential Zone
- 153.19 MR Multi-Family Residential Zone
- 153.20 Manufactured Home Zone
- 153.21 Neighborhood Business Zone
- 153.22 Central Business Zone
- 153.23 Highway Business Zone
- 153.24 Industrial Zone

#### *Miscellaneous Provisions*

- 153.35 Height and area exceptions and supplements
- 153.36 Telecommunications towers
- 153.37 Nonconforming uses
- 153.38 Zoning Board of Adjustment
- 153.39 Zoning compliance certificate
- 153.40 Building permits and certificates of occupancy
- 153.41 Interpretation, purpose, conflict
- 153.42 Changes and amendments
- 153.43 Enforcement
- 153.44 Building permits prior to effective date
- 153.45 Extraterritorial jurisdiction

- 153.99 Penalty

#### *Cross-reference:*

*Planning, see Chapter 151*

**GENERAL PROVISIONS****§ 153.01 PURPOSE.**

In order to lessen congestion in the streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the corporate area, there is hereby adopted and established an official zoning plan of the town. This zoning plan is adopted pursuant to the authority vested in the town by its Charter and by state law. (Prior Code, § 62-1) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

**§ 153.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number; and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; the words "used for" shall include the meaning "designed for"; the word "structure" shall include the word "building"; the word "lot" shall include the words "plot" and "tract" and the word "shall" is mandatory.

**ACCESSORY BUILDING.** A subordinate use building customarily incidental to and located upon the same lot occupied by the main use building. No **ACCESSORY BUILDING** shall be used for human habitation, exceed one story in height, or be erected closer than three feet to the property line when measured from the nearest line of the accessory building to the nearest property line of the lot.

**ALLEY.** A roadway which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

**AMUSEMENT CENTERS.** Establishments that are designed for amusements, either indoor or outdoor, including but not limited to, amusements such as game rooms, bingo parlors, pool and billiard rooms, bowling, miniature golf, video games, skating rinks and similar uses.

**ANIMAL FEEDER/BREEDER OPERATIONS.** Establishments consisting of any lot, building, or combination of lots or buildings designed or used for the feeding, breeding, raising, or holding of hogs, chickens, or turkeys in a confined area; but excluding livestock raised for and used by the owner of said land for personal consumption.

**APARTMENT.** A room or suite of one or more rooms in a multiple dwelling intended for use as a residence by a single family.

**APARTMENT HOUSE.** See **DWELLING, MULTIPLE FAMILY.**

**AUTOMOBILE REPAIR GARAGE.** An establishment where the following services may be carried out: major repair, engine rebuilding, rebuilding and reconditioning of motor vehicles, collision service such as body, frame, or fender repairs, painting and undercoating of vehicles.

**AUTOMOBILE SERVICE CENTER.** An establishment where the retail sale of accessories and services for automobiles are provided as a primary use, including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including space for facilities for major storage, repair, painting and refinishing.

**AUTOMOBILE SERVICE STATION.** An establishment where gasoline or other automobile engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of automobiles) are related directly to the public on the premises, including sale of minor accessories and services for automobiles, which are limited to lubrication, changing oil and filters, changing and repair of tires and tubes, engine tune-up, hand washing and polishing, replacement of light bulbs, windshield wiper blades and other small parts, but does not include steam cleaning, body repairs, chassis or engine repair, except as listed above.

**BOARDINGHOUSE.** A building other than a hotel or motel where meals are served for compensation and one or more rooms are rented for boarders.

**BUILDING.** See **STRUCTURE.**

**BUILDING, HEIGHT OF.** The vertical distance from the average sidewalk grade or street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

**CAMPING TRAILER.** A partially folding or collapsible structure, mounted on wheels, and designed for use as a temporary dwelling for travel, recreational and vacation use.

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

**COMMERCIAL ANTENNA.** Any combination of antenna support, accessory structures and buildings, and antennas designed in whole or in part for the reception and/or transmission of radio frequency energy as a part of a licensed radio, TV or microwave facility employed for commercial use. **COMMERCIAL ANTENNAS** shall include such services as are employed by nonprofit or religious stations not licensed under the amateur or CB regulations of the Federal Communications Commission.

**COMMUNICATION TOWER.** A tower, pole, or similar structure, which supports a telecommunication antenna operated for governmental/commercial purposes, above ground, in a fixed location, free standing, guyed, or on a building.

**CONDITIONAL USE.** A use that would not be appropriate generally as a use by right without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, general welfare, morals, order, comfort, convenience, appearance or prosperity. **CONDITIONAL USES** that may be applied for shall be listed under each respective district. A **CONDITIONAL USE** may be permitted upon recommendation by the Planning Board, a public hearing and approval of the Town Council.

**CONVENIENCE STORE.** Any retail facility less than 3,500 square feet offering for sale prepackaged food products, household items, newspapers, sandwiches, and other freshly prepared foods, for off site consumption.

**DEVELOPER.** The legal or beneficial owners of a parcel or of any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

**DEVELOPMENT.** The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, or any mining, excavation, landfill or land disturbance; and any use or extension of use of land.

**DISTRIBUTION CENTER.** A complex comprised of warehousing, office, maintenance, and security facilities, engaged in the receipt, storage, inventorying, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air or motor vehicle.

**DUPLEX-TWO FAMILY.** An individual freestanding building with two dwelling units to be occupied by not more than two families. The building has common walls between units, or zero-based lot line, and conforming parking. Each lot to contain one-half of the required minimum lot width. The building may be one or two stories and must meet or exceed North Carolina Building Code Standards. There shall be no detached accessory building permitted on these lots.

**DWELLING, MULTIPLE FAMILY.** A building or portion thereof used or designed as a residence for three or more families living independently of each other.

**DWELLING, SINGLE-FAMILY.** A building or portion thereof designed for living or sleeping purposes, occupied exclusively by one family, excluding manufactured homes.

**DWELLING, TWO-FAMILY (DUPLEX).** A building or portion thereof designed for living or sleeping purposes occupied by two families.

**EXTRATERRITORIAL JURISDICTION (ETJ).** Inclusive of "extraterritorial district," "extraterritorial planning area," and "extraterritorial planning district," meaning the properties or land beyond the corporate limits of the town extending for a distance of one mile in all directions as delineated on the official zoning map for the town, adopted in accordance with the G.S. § 160A-360.

**FAÇADE.** The exterior walls of a building or structure visible to the public from adjoining streets, sidewalks or parking areas.

**FAMILY.** Any number of individuals living together as a single housekeeping unit.

**FAST-FOOD RESTAURANT.** A facility where rapidly prepared food and/or beverage are sold in a form ready for consumption, in disposable wrappers, containers, or plates where all or a significant portion of the consumption takes place outside of the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

**FILLING STATION.** See **SERVICE STATION.**

**FRONTAGE.** All the property abutting on one side of a street between two intersecting streets, measured along the street line.

**GARAGE, PRIVATE.** A building or space used as an accessory to or a part of the main building permitted in any residential district, and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.

**GARAGE, PUBLIC.** Any building or premises, except those described as a private or storage garage, used for the storage or care of motor vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

**GARAGE, STORAGE.** Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

**GUEST HOUSE (TOURIST HOME).** Any dwelling occupied by owner or operator in which rooms are rented for guests and for lodging or transients and travelers for compensation.

**HOME OCCUPATION.** Any profession or occupation carried on by a member of a family or a member of a recognized profession residing on the premises provided that no merchandise or commodity is sold on the premises and that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes, and provided further that not over 25% of the total floor area of any structure is used for home occupations or professional purposes.

**HOTEL (MOTEL).** A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, where rooms are furnished for the accommodation of such guests; and having or not having one or more dining rooms, restaurants, or cafes where meals or lunches are served to such transient or permanent guests, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings in connection therewith.

**INDUSTRIAL USE.** Any parcel or parcels of land containing an industrial use or any building containing such use, as defined in this chapter.

**INDUSTRY.** Those fields of economic activity which include mining, construction, manufacturing, transportation, communication, electric, gas and sanitary service, and wholesale trade.

**INDUSTRY, HEAVY.** Manufacturing facility, which produces, refines or otherwise processes basic materials including but not limited to ores and metals, oil, petrol chemicals, plastics, cement and similar materials. It is the intent of this district to provide an environment for industries that is unaffected by nearby residential or commercial development.

**INDUSTRY, LIGHT.** Manufacturing facility, which assembles finished or partly finished products from materials or components prepared on-site or obtained from other facilities. Standards of this district are designed to minimize impacts on the environment and to assure reasonable compatibility with the surrounding area. It is the intent of this district to offer sites for those industries whose operations, exposure, location or traffic has minimal impact on adjacent properties.

**JUNK.** Any scrap, waste, reclaimable material, or debris, whether or not stored for sale, in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed or other disposition.

**JUNKYARD.** Any area, lot, land, tract, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk, including motor vehicles, and machinery not in running condition, waste paper, rags and scrap metal.

**LOFT.** A large, usually un-partitioned floor over a factory, warehouse, or other commercial or industrial space, which is converted into an apartment or artist studio.

**LOT.** A parcel of land in single ownership occupied or intended for occupancy by a building together with its accessory buildings including the open space required under this chapter. For the purposes of this chapter, the word **LOT** shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are to be erected.

**LOT, CORNER.** A lot abutting upon two or more streets at their intersection.

**LOT, DEPTH.** The depth of a lot, for the purpose of this chapter, is the distance measured in the mean direction of the side lines of the lot from the mid-point of the front lot line to the mid-point of the opposite main rear line of the lot.

**LOT, INTERIOR.** A lot other than a corner lot.

**LOT LINES.** The lines bounding a lot.

**LOT OF RECORD.** A lot which is a part of a subdivision, a plat of which has been recorded in the office of the County Register of Deeds or a lot described by meets and bounds, the description of which has been reported in the office of the County Register of Deeds.

**LOT, THROUGH.** An interior lot having frontage on two streets.

**MANUFACTURED/MOBILE HOME.** A residential dwelling unit built to the most recent standards of the U.S. Department of Housing and Urban Development as amended and supplemented, composed of one or more components, each of which was substantially assembled in a manufacturing plant not more than 15 years from the date of the town's issuance of a zoning compliance certificate, and designed to be transported to the home site on its own chassis. Travel trailers and campers shall not be classified as manufactured homes.

**MANUFACTURED HOME PARK.** Land used or intended to be used, leased or rented for occupancy by manufactured homes to be used for living or commercial quarters of any kind, designed and operated in accordance with applicable provisions of this chapter. This definition shall not include manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

**MANUFACTURED HOME, CLASS A.** A manufactured home constructed after July 1, 1976, that meets or exceeds the most recent construction standards promulgated by the U.S. Department of Housing and Urban Development and that satisfies the following criteria:

- (1) Length of the manufactured home does not exceed the width by more than four times;
- (2) The manufactured home is at least 20 feet wide;

(3) The pitch of the manufactured home's roof has a minimum vertical rise of two and two-tenths feet for each 12 feet of horizontal run (2.2 feet in 12 feet) and the roof is finished with a type of shingle that is commonly used in standard residential construction;

(4) The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity gloss of white paint), wood or hardboard comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;

(5) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the manufactured home;

(6) The tongue, axles, transporting lights, and removable towing apparatus are removed subsequent to final placement; and

(7) The manufactured home is placed on land owned by the owner of the manufactured home, which will be listed and taxed as real property.

**MANUFACTURED HOME, CLASS B.** A manufactured home constructed after July 1, 1976, that meets or exceeds the most recent construction standards promulgated by the U.S. Department of Housing and Urban Development but that does not satisfy one or more of the criteria necessary to qualify as a Class A manufactured home. A **CLASS B MANUFACTURED HOME** must meet the following minimum criteria:

(1) Skirting or a curtain wall, unpierced except for required ventilation and access, consisting of brick, masonry, vinyl, or similar materials designed and manufactured for permanent outdoor installation is installed under the manufactured home; and

(2) Stairs, porches, entrance platforms, ramps or other means of entrance and exit to and from the home are installed or constructed in accordance with the standards set by the NC Department of Insurance and are attached firmly to the primary structure and anchored securely to the ground.

**MANUFACTURED HOME, CLASS C.** Any manufactured home that does not meet the definition of a Class A or Class B manufactured home.

**MANUFACTURING FACILITY.** Establishment engaged in the mechanical, chemical and/or physical transformation of a substance including creation of new products.

**MINI-STORAGE/SELF STORAGE FACILITY.** A structure containing separate, individual, and private storage spaces of varying sizes, leased or rented on individual leases for varying periods of time.

**MIXED-USE.** A parcel, tract of land, building or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, manufacturing and retail.

**MODULAR HOME.** A factory-fabricated, transportable building constructed to meet North Carolina Building Code standards and designed to be used by itself or, in the case of a sectional home, to be joined with similar units into a modular whole, placed on a permanent foundation and used for residential purposes.

**MOTORIZED HOME.** A portable dwelling designed and constructed as an integral part of a self propelled vehicle modified for use as a dwelling.

**MULTI-FAMILY DWELLING.** A building containing three or more dwelling units including units that are located over each other, including apartments.

**NONCONFORMING USE.** A building or land occupied by a use that does not conform with the regulations of the use zone in which it is situated.

**NONCONFORMING LOT.** A tract of land that was lawfully established in accordance with all regulations in effect at the time of its establishment but which no longer complies with applicable lot area, lot width or frontage standards because of public acquisition of a portion of the lot, an amendment to the zoning map or other applicable standards.

**PARKING LOT.** An area or plot of land used for the storage or parking of vehicles.

**PICK-UP COACH.** A structure designed primarily to be mounted on a pick-up or truck or similar chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation use (see **STRUCTURE**).

**PROCESSING FACILITY.** Facility in which materials may be broken down, or aggregated for transportation, sale, or storage.

**PUBLIC SERVICE FACILITY.** The use of land, buildings or structures by a public utility, railroad or governmental agency, including water treatment plants or pumping stations, sewage treatment plants or pumping stations, non-nuclear power plants, transmission lines and transformer stations, telephone exchanges and other similar public service structures, but not including land, buildings or structures devoted solely to the storage and maintenance of equipment and materials.

**RESTAURANT, TRADITIONAL.** A facility where food and drink are prepared, served and consumed primarily within the principal building.

**SELF-CONTAINED TRAVEL TRAILER.** A travel trailer which may operate independently of connections to electricity, water and sewer for a limited period of time having its own battery or LP gas system, or both, to operate lights, refrigerator, stove and heater, and having a water tank with a pressure system, and having a holding tank with a toilet.

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

**SIGN.** Any surface, fabric or device bearing lettered, pictorial or sculptured matter designed to convey information visually and exposed to public view, or any structures, including billboards or poster panels, designed to carry visual information.

**SIGN, BUSINESS IDENTIFICATION.** A sign which directs attention to a business, commodity, service, entertainment, or other activity conducted, sold or offered on the same property on which the sign is located.

**SOLAR ENERGY.** Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

**SOLAR ENERGY SYSTEM FARM.** A facility that uses photovoltaic solar energy systems to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption. Also referred to as a solar energy generation facility, solar power plant or solar photovoltaic farm.

**STABLE, PRIVATE.** A stable with a capacity of not more than one horse for each 3,500 square feet of lot area whereon such stable is located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration, hire or sale.

**STABLE, PUBLIC.** A stable other than a private stable.

**STORY.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. In computing the height of building, the height of basement or cellar, if below grade, shall not be included.

**STREET.** A thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road and any other thoroughfare except an alley.

**STREET LINE.** The line between the street and abutting property.

**STRUCTURAL ALTERATIONS.** Any change, except for repair or replacement in the supporting members of a building, such as bearing walls, columns, beams or girders.

**STRUCTURE.** Anything constructed or erected, the use of which requires location on the land or attachment to something having a permanent location on the land.

**TOURIST HOME.** See *GUEST HOUSE*.

**TOWN HOME, TOWNHOUSE.** A single-family dwelling on its own individual lot, but connected on two sides, by means of a common wall for a length of at least ten feet to two other single-family dwellings or an end unit of a row of such dwellings. Each unit shall have its own front and rear access to the outside.

**TOWNHOUSE TYPE DEVELOPMENT.** The division of land containing attached units within one or several structures and may include the reservation of common area and which may be restricted to internal access through the original lot(s), common area(s) or shared easements.

**TRAVEL TRAILER.** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation use, having a body width not exceeding eight feet, and a body length not exceeding 32 feet.

**VARIANCE.** A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. In this chapter, a **VARIANCE** is authorized only for height, area, and size of structure or size of yards and open space. The establishment or expansion of the use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

**WAREHOUSE FACILITY.** Facility in which materials or products are stored for future transportation.

**YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

**YARD, FRONT.** A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps and unenclosed porches, but including covered porches.

**YARD, REAR.** A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

**YARD, SIDE.** An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot where no rear yard is required.

**ZONING ADMINISTRATOR.** The person, officer, or official and his/her authorized representative who the town has designated as its agent for the administration of this chapter. The Administrator may provide for the enforcement of this chapter by means of withholding zoning compliance certificates/permits, and by instituting injunctions, mandamus, or other appropriate action or proceeding to prevent unlawful erection, improvement, construction, reconstruction, alteration, conversion, maintenance, or use; to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

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

(Prior Code, § 62-2) (Ord. passed 6-13-1972; Ord. passed 7-2-1980; Ord. 7, passed 6-4-1985; Ord. passed 10-4-1988; Ord. passed 12-5-1989; Ord. passed 2-21-1989; Ord. passed 8-4-2010; Ord. passed - - )

### § 153.03 ZONES AND BOUNDARIES THEREOF.

(A) In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to regulate and determine the areas of open spaces surrounding buildings; to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses of the town, the town is hereby divided into zones known as:

- (1) RA-20 Residential/Agricultural Zone;
- (2) R-15 Residential Zone;
- (3) R-75 Residential Zone;
- (4) R-6 Residential Zone;
- (5) MR Multi-family Residential Zone;
- (6) Manufactured Home Zone;
- (7) Neighborhood Business Zone;
- (8) Central Business Zone;

- (9) Highway Business Zone; and
- (10) Industrial Zone.

(B) The boundaries of the zones are shown upon the map accompanying this chapter and made a part hereof, entitled "Zoning Map Town of Bethel, North Carolina". The zoning map and all the notations, references and all amendments thereto, and other information shown thereon is hereby made a part of this chapter the same as if such information set forth on the map were fully set out herein.

(C) (1) Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the zone regulations established by this chapter for the zone in which the building or land is located.

(2) The minimum yards and other open spaces including the intensity of use provisions contained in this chapter for each and every building hereafter erected or structurally altered shall not be encroached upon or considered as yard or open space requirements or intensity of use requirements for any other building.

(3) Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one main building and the customary accessory buildings on the lot.

(4) Every lot to be built upon shall abut a public street or other public way and no dwelling shall be built upon a lot which does not abut upon a public street or other public way.  
(Prior Code, § 62-3) (Ord. passed 6-13-1972; Ord. passed 10-4-1988; Ord. passed 8-4-2010)

### *ZONING DISTRICTS*

#### **§ 153.15 RA-20 RESIDENTIAL/AGRICULTURAL ZONE.**

(A) This zone is established as a district in which the principal use of land is for low density residential and agricultural purposes.

(B) The regulations of this district are intended to protect the agricultural sections of the community from an influx of uses likely to render it undesirable for farms and future development, and to ensure that residential development not having access to public water supplies and/or public sewage disposal will occur at sufficiently low densities for a healthful environment.

(C) In this zone a building or land shall be used only for one or more of the purposes set forth in this section.

(1) *Uses permitted.*

(a) Single-family dwellings, stick built and modular homes on individual legal lots;

(b) Any form of agriculture or horticulture, including the sale of products at a retail stand on the property where produced, except animal feeder/breeder operations as defined. In the case of poultry and/or livestock farming operations, these facilities should be constructed in accordance with design standards as set forth

by the Soil Conservation Service in Section IV of the U.S. Department of Agriculture's Technical Guide or by the design standards recommended by the Department of Biological and Agricultural Engineering, North Carolina State University, Raleigh, N.C.;

- (c) Forestry;
- (d) Municipally-owned parks, playgrounds and recreation centers;
- (e) Rear yard storage of not more than two travel trailers, self-contained travel trailers, pick-up coaches, camping trailers or motorized homes;
- (f) Accessory uses and buildings customarily or necessarily incident to any of the above specified uses, including a private garage or servants' quarters, private swimming pool, and noncommercial truck garden. An accessory use shall be situated on the same lot or premises as the primary use to which it is accessory;
- (g) Home occupation as defined in section § 153.02;
- (h) Existing private family cemeteries;
- (i) Solar energy system farm;
- (j) Conditional uses:
  1. Commercial antennae;
  2. Communication towers;
  3. Public, primary, and secondary schools, and private schools having the same curriculum as ordinarily given in public schools;
  4. Churches, and church bulletin board, lighted or unlighted, not exceeding four square feet in area;
  5. Parks, playgrounds and recreation centers owned and operated by non-profit civic organizations;
  6. Golf, swimming, tennis, and other private clubs not open to the general public and operated as a business for profit. Provided, however, that any swimming or tennis club is not located on a parcel of land not less than one acre in size;
  7. Junkyard; and
  8. Manufactured homes on individual lots where a manufactured home previously legally existed.

(2) *Building height limit.* No structure shall exceed 35 feet in height unless the depth of the front yard, rear yard, and width of each side yard required herein shall be increased five feet for each ten feet or fraction thereof of building height in excess of 35 feet.

(3) *Building site area required, residences.* The minimum building site area shall be one lot or parcel of land 20,000 square feet in area for each main building. Such parcel of land shall have an average width of at least 100 feet. When a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of this chapter, said lot may be occupied by one family; provided, however, that the minimum side, front, and rear yard requirements set out in this section are conformed to.

(4) *Front yard required.* There shall be a front yard depth of not less than 50 feet measured from the front property line to the front line of the main building. Where lots comprising 25% or more of the frontage of the same street within the block are developed with buildings, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than 50 feet. When the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Zoning Board of Adjustment will establish a front yard depth suitable and practical for such lot. On through lots, the required front yard shall be provided on both streets.

(5) *Side yard required.* There shall be a side yard on each side of the main building having a width of not less than 12 feet and the minimum distance between main buildings on adjacent lots shall not be less than 24 feet. Provided, however, on corner lots the side yard adjacent to the street shall not be less than 50% of the front yard required on lots in rear of such lots. No accessory building on a corner lot shall extend beyond the front yard line of the lots in rear thereof; provided, further that this regulation shall not be so interpreted as to reduce the building width of a corner lot as of record at the time of the passage of this chapter to less than 28 feet, not to prohibit the erection of an accessory building where this regulation cannot be complied with.

(6) *Rear yard required.* There shall be a rear yard of 25% of the depth of the lot with the rear yard having a depth of not less than 30 feet measured from the rear property line to the rear line of the main building.

(7) *Signs.* A billboard, signboard or advertising sign shall in no case be permitted as an accessory use. The placing of one "for sale" or "for rent" sign not exceeding four feet in area shall, however, be permitted. One sign not exceeding one square foot in area shall be permitted in connection with a home occupation as defined in § 153.02.

(Prior Code, § 62-4) (Ord. passed 6-13-1972; Ord. 7, passed 6-4-1985; Ord. passed 10-4-1988; Ord. passed 8-4-2010; Ord. passed - - )

#### § 153.16 R-15 RESIDENTIAL ZONE.

In this zone a building or land shall be used only for one or more of the purposes set forth in this section.

(A) *Uses permitted.*

- (1) Single-family dwellings;
- (2) Municipally owned parks, playgrounds and recreation centers;
- (3) Rear yard storage of not more than one travel trailer, self-contained travel trailer, pick-up coach, camping trailer or motorized home;

(4) Accessory uses and buildings customarily or necessarily incident to any of the above specified uses, including a private garage or servants' quarters; private swimming pool, and noncommercial truck garden. An accessory use shall be situated on the same lot or premises as the primary use to which it is accessory;

(5) Home occupation as defined in § 153.02; and

(6) Conditional uses:

(a) Public primary and secondary schools, and private schools having the same curriculum as ordinarily given in the public schools;

(b) Churches, and church bulletin board, lighted or unlighted, not exceeding four square feet in area;

(c) Hospitals, except animal hospitals or hospitals operated for the treatment of chronic alcoholics, the insane, infectious diseases or narcotic patients;

(d) Parks, playgrounds and recreation centers; parks, playgrounds and recreation centers owned and operated by nonprofit civic organizations; and

(e) Golf, swimming, tennis and other private clubs not open to the general public and operated for the mutual recreation of members and not operated as a business for profit; provided, however, that any swimming or tennis club is located on a parcel of land not less than one acre in size.

(B) *Building height limit.* No structure shall exceed 35 feet in height unless the depth of the front yard, rear yard and width of each side yard required herein shall be increased five feet for each ten feet or fraction thereof of building height in excess of 35 feet.

(C) *Building site area required, residences.* The minimum building site area shall be one lot or parcel of land 15,000 square feet in area for each main building. Such parcel of land shall have an average width of at least 100 feet when a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of the ordinance from which this chapter is derived, said lot may be occupied by one family; provided, however, that the minimum side, front and rear yard requirements set out in this section are conformed to.

(D) *Front yard required.* There shall be a front yard a depth of not less than 50 feet measured from the front property line to the front line of the main building. Where lots comprising 25% or more of the frontage of the same street within the block are developed with buildings, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than 50 feet. When the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Zoning Board of Adjustment will establish a front yard depth suitable and practical for such lot. On through lots, the required front yard shall be provided on both streets.

(E) *Side yard required.* There shall be a side yard on each side of the main building having a width of not less than 12 feet and the minimum distance between main buildings on adjacent lots shall not be less than 24 feet. Provided, however, on corner lots the side yard adjacent to the street shall not be less than 50% of the front yard required on lots in rear of such corner lots. No accessory building on a corner lot shall extend beyond the front yard line of the lots in rear thereof; provided further that this regulation shall not be so interpreted as to reduce

the building width of a corner lot as of record at the time of the passage of this chapter to less than 28 feet, nor to prohibit the erection of an accessory building where this regulation cannot be complied with.

(F) *Rear yard required.* There shall be a rear yard of 25% of the depth of the lot with the rear yard having a depth of not less than 30 feet measured from the rear property line to the rear line of the main building.

(G) *Signs.* A billboard, signboard or advertising sign shall in no case be permitted as an accessory use. The placing of one "for sale" or "for rent" sign not exceeding four square feet in area shall, however, be permitted. One sign not exceeding one square foot in area shall be permitted in connection with a home occupation as defined in § 153.02.

(Prior Code, § 62-5) (Ord. passed 6-13-1972; Ord. 7, passed 6-4-1985; Ord. passed 8-4-2010)

### § 153.17 R-75 RESIDENTIAL ZONE.

In this zone a building or land shall be used only for one or more of the purposes set forth in this section.

(A) *Uses permitted.*

- (1) Any use permitted in the R-15 Residential Zone;
- (2) Duplex-two family;
- (3) Public and private cemeteries;
- (4) Accessory buildings and uses customarily incident to any of the above permitted uses; and
- (5) Conditional uses:
  - (a) Guest houses and boardinghouses; and
  - (b) Nursing homes, convalescent homes and homes for the aged.

(B) *Building height limit.* Same as R-15 Residential Zone.

(C) *Building site area required, residences.* The minimum building site shall be one lot or parcel of land 7,500 square feet in area for each main building. Such parcel of land shall have an average width of at least 75 feet. When a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of this chapter, said lot may be occupied by one family; provided, however, that the minimum side, front, and rear yard requirements set out in this section are conformed to. Provided, further, that duplexes or their multiple dwelling units shall, in addition to the above area requirements, increase the minimum building site area as follows: for each additional family unit in excess of the first family unit, 3,000 square feet per family in addition to the 7,500 square feet required above.

(D) *Front yard required.* There shall be a front yard having a depth of not less than 45 feet measured from the front property line to the front line of the main building. Where lots comprising 25% or more of the frontage on the same street within the block are developed with buildings no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so construed as to require a front yard depth of more than 45 feet. When the geographic grade or contour of a lot

is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Zoning Board of Adjustment will establish a front yard depth suitable and practical for such lot. On through lots, the required front yard shall be provided on both streets.

(E) *Side yard required.* There shall be a side yard on each side of the main building having a width of not less than ten feet and the minimum distance between main buildings on adjacent lots shall not be less than 20 feet. Provided, however, on corner lots the side yard adjacent to the street shall not be less than 50% of the front yard required on lots in rear of such corner lots. No accessory building on a corner lot shall extend beyond the front yard line of the lots in rear thereof; provided, further, that this regulation shall not be so interpreted as to reduce the building width of a corner lot as of record at the time of the passage of this chapter to less than 28 feet, nor to prohibit the erection of an accessory building where this regulation cannot be complied with.

(F) *Rear yard required.* There shall be a rear yard of 10% of the depth of the lot with the rear yard having a depth of not less than ten feet measured from the rear property line to the rear line of the main building.

(G) *Signs.* Same as R-15 Residential Zone.  
(Prior Code, § 62-6) (Ord. passed 6-13-1972; Ord. 7, passed 6-4-1985; Ord. passed 12-5-1989; Ord. passed 2-21-1989; Ord. passed 8-4-2010)

#### § 153.18 R-6 RESIDENTIAL ZONE.

In this zone a building or land shall be used only for one or more of the purposes set forth in this section.

(A) *Uses permitted.*

- (1) Any uses permitted in the R-75 Residential Zone;
- (2) Duplex-two family;
- (3) Conditional uses: office buildings and exchanges for public utilities; and
- (4) Solar energy system farm.

(B) *Building height limit.* Same as R-75 Residential Zone.

(C) *Building site area required for single- and multiple-family dwellings.* The minimum building area shall be one lot or parcel of land 6,000 square feet in area for each main building. Such parcel of land shall have an average width of at least 60 feet at the front building line. When a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of this chapter, said lot may be occupied by one family; provided, however that the minimum side and front yard requirements set out in this section are conformed to. Provided, further, that duplexes or other multiple dwelling units shall, in addition to the above area requirements, increase the minimum building site area as follows: for each additional family unit in excess of the first family unit, 3,000 square feet per family, in addition to the 6,000 square feet required above.

(D) *Front yard required.* There shall be a front yard having a depth of not less than 35 feet measured from the front property line to the front line of the main building. Where lots comprising 25% or more of the frontage on the same street within the block are developed with buildings, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided this regulation shall not be so

construed as to require a front yard depth of more than 35 feet. When the geographic grade or contour of a lot is such that compliance with this section is impossible or will impose an undue hardship upon the property owner, the Zoning Board of Adjustment will establish a front yard depth suitable and practical for such lot. On through lots, the required front yard shall be provided on both streets.

(E) *Side yard required.* There shall be a side yard on each side of the main building having a width of not less than eight feet and the minimum distance between main buildings on adjacent lots shall not be less than 16 feet. Provided, however, on corner lots the side yard adjacent to the street shall not be less than 50% of the front yard required on lots in rear of such corner lots. No accessory building on a corner lot shall extend beyond the front yard line of the lots in rear thereof; provided, further, that this regulation shall not be so interpreted as to reduce the building width of a corner lot as of record at the time of the passage of this chapter to less than 28 feet, nor to prohibit the erection of an accessory building where this regulation cannot be complied with.

(F) *Rear yard required.* There shall be a rear yard of 10% of the depth of the lot with the rear yard having a depth of not less than ten feet measured from the rear property line to the rear line of the main building.

(G) *Signs.* Same as R-15 Residential Zone.

(H) *Zone standards.*

(1) *Zoned R-6 Residential.* For a property to be considered for placement of an individual single-family manufactured home, it must be zoned R-6 Residential.

(2) *Minimum building site area required.* Requirements are the same as the current R-6 Residential Zone.

(3) *Front yard required.* Requirements are the same as the current R-6 Residential Zone.

(4) *Side yard required.* Requirements are the same as the current R-6 Residential Zone.

(5) *Rear yard required.* Requirements are the same as the current R-6 Residential Zone.

(6) *Signs.* Same as R-15 Residential Zone, which also apply in R-6 Residential Zone.

(I) *Manufactured home standards.*

(1) Manufactured homes permitted within the R-6 Residential Zone shall be constructed after July 1, 1976, and meet or exceed the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.

(2) Additionally, such manufactured homes shall meet the following requirements.

(a) The manufactured home shall be occupied only as a single-family dwelling.

(b) The manufactured home shall have a minimum width of 24 feet.

(c) The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part.

(d) The towing apparatus, wheels, axles and transporting lights shall be removed and shall not be included in length and width measurements.

(e) The longest axis of the manufactured home shall be oriented parallel or within a ten-degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.

(f) The manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the State Building Code, un-pierced, except for required ventilation and access, shall be installed under the perimeter of the manufactured home.

(g) The exterior siding shall consist of one or more of the following:

1. Vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint;
2. Cedar or other wood siding;
3. Wood grain, weather resistant press board siding;
4. Stucco siding; and/or
5. Brick or stone siding; which shall be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(h) The pitch of the roof shall a minimum vertical rise of three and one-half feet for each 12 feet of horizontal run.

(i) The roof shall be finished with a Class A shingles, or better, roofing material that is commonly used in standard residential construction. Corrugated aluminum, corrugated fiberglass or metal roofs shall not be permitted.

(j) All roof structures shall provide an eaves projection of no less than six inches.

(k) The manufactured home shall be permanently connected to local utilities.

(l) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed in compliance with the standards of the State Building Code, attached firmly to the primary structure and be anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this section to prohibit the use of wood stairs only at any entrance to a manufactured home.

(Prior Code, § 62-7) (Ord. 7, passed 6-4-1985; Ord. passed 8-4-2010; Ord. passed - - )

**§ 153.19 MR MULTI-FAMILY RESIDENTIAL ZONE.**

(A) The purpose of this district is to provide for high density residential neighborhoods which are associated with the customary urban services.

(B) This district shall consist of single-family, two-family and multi-family dwellings and similar high density residential development and the activities related to neighborhood settings.

(C) This district will only be applied in areas with community water and sewer service.

(D) In this zone, a building or land shall be used only for one or more of the purposes set forth in this section.

(1) *Uses permitted.*

- (a) Single-family dwelling;
- (b) Duplex-two family;
- (c) Multi-family dwelling;
- (d) Town home, town house;
- (e) Small professional or announcement signs;
- (f) Real estate signs;
- (g) Renting of one room provided no external evidence is created; and
- (h) Uses and buildings customarily accessory to the above permitted uses.

(2) *Conditional uses.* The following are permitted when recommended by the Planning Board and authorized by the Town Council:

- (a) Neighborhood stores with or without residence on second floor;
- (b) Public utility distribution and transmission lines, poles and towers;
- (c) Home occupations; and
- (d) Single offices for doctors, lawyers, professional consultants or similar occupations.

(3) *Building height limit.* Same as R-15 Residential (maximum of 35 feet).

(4) *Building site area required.* The minimum building site area shall be one lot or parcel of land 7,500 square feet in area for each main building. The parcel of land shall have an average width of at least 75 feet at the front building line. When a lot or parcel of land has an area of less than the above required minimum area and width and was of record at the time of passage of this chapter, the lot may be occupied by one family; provided, however that the minimum side and front yard requirements set out in this section are conformed to.

Provided, further, that duplexes or other multiple dwelling units shall, in addition to the above area requirements, increase the minimum building site area as follows: For one additional family unit (a duplex) the minimum lot size shall be 12,000 square feet. Each additional family unit in excess of the first two shall require the addition of 4,000 square feet.

(5) *Front yard required.* Same as R-75 Residential (45 feet).

(6) *Side yard required.* Same as R-75 Residential (ten feet).

(7) *Rear yard required.* There shall be a rear yard of 20 feet measured from the rear of property line to the rear line of the main building.

(8) *Maximum lot coverage.* The coverage of the lot by structures (the footprint of the buildings) shall be not more than 40% of the area of the lot.

(9) *Location of accessory buildings.* The location of accessory buildings setback from the rear and side property lines shall be a minimum of five feet.

(10) *Parking requirements.* A minimum of one and one-half parking spaces on the same lot for each dwelling unit shall be required.

(11) *Buffer required.* A fence buffer shall be required on three sides of a lot or parcel where multi-family dwelling units are constructed unless the lot is adjacent to a vacant lot or the adjacent lot contains natural features, such as a stream, which would lend itself as a natural buffer. The fence shall be a seven-foot wooden fence constructed in a manner so as to make the fence opaque.

(12) *Drainage requirements.* Stormwater run-off shall be retained on site to the maximum extent feasible. Suggested methods for accomplishing this are through the use of porous asphalt or paving block for the parking lots, similar to "turf stone" or its equivalent. If impermeable asphalt or concrete is used for the parking lot surface, medians, perimeter strips or islands within the parking area must be used as collectors and reservoirs for stormwater run-off. No water shall drain onto or across public streets or sidewalks or into adjacent property except into a drainage easement. Vegetated buffer strips shall be created, or where practicable, retained in their natural state along the banks of all watercourses, waterbodies, or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland run-off, provide access to the waterbody, and allow for periodic flooding without damage to structures.

(Prior Code, § 62-8) (Ord. passed 6-13-1972; Ord. 7, passed 6-4-1985; Ord. passed 12-5-1989; Ord. passed 2-21-1989; Ord. passed 8-4-2010)

## § 153.20 MANUFACTURED HOME ZONE.

In this zone, a building or land shall be used only for the following purposes.

(A) *Uses permitted.*

(1) Any use permitted in any Residential Zone, provided, however, any building erected in the Manufactured Home Zone for residential purposes shall comply with all requirements of the R-6 Residential Zone, except multi-family dwellings. Solar energy system farms shall not be allowed;

- (2) Manufactured home parks; and
- (3) Accessory buildings and uses customarily incident to any of the above permitted uses.

(B) *Location of manufactured homes regulated.* From and after the effective date of this chapter, it shall be unlawful for any person to place or maintain any manufactured home used for human habitation or to use any manufactured home for sleeping, living or business purposes on any premises within the corporate limits or that area subject to the extraterritorial jurisdiction of this town except upon premises located within a manufactured home park, a permit for which has been granted pursuant to the requirements of this chapter. If two or more manufactured homes are located on the same undivided lot or tract of land, they must meet the requirements of this section.

(C) *Permit for manufactured home park required.*

(1) It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the corporate limits for a manufactured home park until application has been made and a permit therefor has been issued by the Zoning Administrator. The Zoning Administrator (County Planning Department) shall, prior to issuing a permit, determine if all requirements of this chapter have been complied with. A manufactured home park permit may be revoked by the zoning administrator upon a finding of fact that a violation of the requirements of this chapter exists. Provided, the owner, lessee, or other responsible person is notified in writing of such violation and after the expiration of five days from the date of receipt of such written notice. It shall be unlawful for any person, firm, or corporation to continue to operate such manufactured home park after the permit therefore, as required herein, has been revoked by the Zoning Administrator.

(2) Application for a permit to develop, operate, alter or maintain a manufactured home park shall be made to the Zoning Administrator under the provision of this section. The application for a permit shall include the following:

- (a) A plan for the general layout of the park containing the information required below:
  1. The area to be used for the park showing property lines and adjacent zoning and land use;
  2. Driveways, entrances, exits, roadways and walkways;
  3. Location of manufactured home spaces and buildings;
  4. Location and quantity of proposed sanitary conveniences, including proposed toilets, washrooms, laundries, recreation and utility areas and utility rooms;
  5. Method and plan of sewage disposal;
  6. Location and quantity of refuse containers;
  7. Plan of water supply; and
  8. Plan of electric lighting.
- (b) Plans and specifications for any building to be constructed on the site.

(c) Further information may be required by the Zoning Administrator or County Health Department to enable them to determine if the proposed park will comply with the regulations of this chapter and other applicable laws.

(d) Prior to the issuance of an occupancy permit the Zoning Administrator shall review the plan and inspect the site for compliance with any changes which had been proposed in the initial review process.

(D) *Conflict with health department regulations.* In the event the State or County Board of Health has adopted regulations governing manufactured homes or manufactured home parks, the requirements of this chapter or the requirements of the State or County Board of Health, whichever is more stringent, shall govern.

(E) *Sanitary facilities, water supply, sewerage, refuse disposal and utilities required.*

(1) In every park and related permanent building, all installation of plumbing and electrical wiring, and all gas and oil appliances shall comply with the provisions of the building, plumbing, electrical, heating, and gas ordinances and codes and any other applicable regulations of the town.

(2) In addition, the following requirements must be met:

(a) *Water supply.* An adequate and safe supply of water shall be readily available at the manufactured home park site. Within the corporate limits of the town, every manufactured home park shall connect to the town water system. Within the extraterritorial jurisdiction, where the town water system is available it shall be used. If any independent water supply is used, it must be built in accordance with the County Health Department standards and must be capable of furnishing 450 gallons of water per day per available manufactured home space. The water supply for each manufactured home shall be obtained only from approved connections located on each manufactured home space or inside each manufactured home, certificated by the County Health Department.

(b) *Sanitary sewer.*

1. Each manufactured home park within the corporate limits of the town shall be required to have a connection with the town sanitary sewer system. Any extension of the municipal sanitary sewer system required to comply with this requirement shall be made in accordance with the utility extension ordinance or policies of the town then in effect.

2. All sewage wastes from each park, including wastes from toilets, and toilet rooms, showers, lavatories and washbasins and wastes from refrigerator drains, washing machines, sinks or faucets in manufactured homes or on manufactured home spaces, shall be piped into the park sewage disposal system. All sewage wastes from every trailer equipped with its own toilet facility shall be piped into the park sewage disposal system and under no circumstances shall such wastes be discharged on the ground or in streams. Within the extraterritorial jurisdiction, where the town sanitary sewer system is not available, the town would prefer park owners to connect to the municipal system. If connection to the municipal system is not possible, individual septic systems may be used or a community system for the park may be used. The method of sewage disposal shall be approved by the County Health Department or the N.C. Department of Environment, Health and Natural Resources, Division of Environmental Management. Prior to the presentation of a plan to the town, owners and developers are urged to contact the County Health Department or the Zoning Administrator to assure future compliance with the appropriate regulations.

(c) *Refuse disposal.* All garbage and refuse in every park shall be stored in suitable receptacles in accordance with County Health Department requirements.

(d) *Utilities.* Each manufactured home space shall be equipped with plumbing and electrical connections; the electrical connections shall meet the County Electrical Code. In addition, electrical connection shall be at least 200 amp service. Each individual electrical service shall be within 15 feet of the point electricity enters the manufactured home.

(F) *Registration.*

(1) It shall be the duty of the operator of the park to keep an accurate register containing a record of all manufactured homes or trailers, owners and occupants of the park.

(2) The register shall contain the following information:

- (a) Name and address of the owner and each occupant;
- (b) License number and state of issue of each licensed vehicle;
- (c) Space number in which the manufactured home or trailers is parked;
- (d) Date of entering the park; and
- (e) Date of leaving the park.

(G) *Site requirements.*

(1) Manufactured home parks shall comply with the area, location and other dimensional requirements of this section. Prior to granting a permit for a manufactured home park, the Zoning Administrator shall require the owner or developer to submit a complete plan of the proposed park, as described in division (C) above.

(2) Site requirements for all manufactured home parks shall be as follows:

(a) The minimum size lot, tract or parcel of land to be used for a manufactured home park shall not be less than 20,000 square feet, and such lot, tract or parcel of land shall have an average width of not less than 100 feet.

(b) The amount of land for each individual manufactured home space shall be determined by the Zoning Administrator after an investigation of soil conditions, the proposed method of sewage disposal and proposed water system. However, in no case shall the size of a manufactured home space be less than 6,000 square feet or 60 feet by 100 feet, if municipal or community water and sewer is available. In the event individual septic tanks and wells are used the lot size shall be a minimum of 10,500 square feet, or 175 feet by 60 feet. Additional space requirements may be needed to meet setback or space requirements.

(c) Each manufactured home shall have a minimum five foot setback from the boundary of its individual manufactured home lot as established in division (G)(2)(b) above and each manufactured home must be at least 20 feet from any other manufactured home side-to-side, side-to-end or end-to-end. Setback requirements are measured from the outside edge of the exterior of entrance stoops, porches, steps, decks and the like.

(d) No individual manufactured home lot shall be located within 25 feet of any exterior street or any exterior boundary line of the manufactured home park site.

(e) All manufactured home spaces shall abut upon an interior street of no less than 20 feet in width, which shall have unobstructed access to a public street or highway. It is the intent of this section that each individual manufactured home space shall not access directly onto a public street or highway except through an interior street. Maintenance and repair of the streets shall be provided by the owner of the park. The streets shall be maintained so as to provide all-weather access to all manufactured home spaces at all times. The Zoning Administrator shall make the determination as to whether a manufactured home park is in compliance with this street maintenance. If a park has five or more manufactured home spaces, the interior streets shall be paved. When a park size is increased beyond four spaces the entire park shall have paved streets. If two adjacent parks are connected both parks, which are now one, shall have paved streets if total spaces exceed four. If a park has four or fewer spaces, numbers which do not require that the streets be paved, the streets shall be graded and maintained so that they are passable in all weather.

(f) Dead-end streets shall not exceed 600 feet in length. Any interior street designed to be permanently closed shall have a turnaround of at least 80 feet in diameter at the closed end.

(g) Interior streets shall intersect as nearly as possible at right angles, and no drive shall intersect at less than 75 degrees. Where a drive intersects at a public street or highway, the design standards of the state department of transportation shall apply.

(h) Suitable vehicular access for firefighting and emergency equipment, delivery of fuel, removal of refuse, parking and removal of manufactured homes and for other necessary services shall be provided.

(i) Each manufactured home park with five or more manufactured home spaces shall have one or more recreation areas with a minimum size of 2,500 square feet which shall be easily accessible to all park residents. Each addition of five manufactured home spaces shall require an additional 2,500 square feet of recreational space. Recreation areas shall be located to be free of traffic hazards and should, where topography permits, be centrally located.

(j) Parking space sufficient to accommodate at least two automobiles shall be located on each manufactured home space.

(k) No manufactured home park shall be located on ground that is subject to flooding. The park shall be graded so as to prevent any water from pending or accumulation on the premises. All ditch banks shall be sloped and seeded to prevent erosion or vegetated buffer strips shall be maintained in their natural state to prevent erosion.

(l) The manufactured home park shall have a fence buffer on three sides between the park and any adjacent residential uses other than manufactured homes unless the park is adjacent to a vacant lot or the adjacent lot contains natural features, such as a stream which would lend itself as a natural buffer. The fence shall be a seven-foot wooden fence constructed in a manner so as to make the fence opaque.

(m) The area of each individual manufactured home space shall be improved to provide an adequate foundation for the placement of the manufactured home as required by the State Building Code.

(n) Each manufactured home shall be securely anchored in accordance with the State Building Code standards.

(H) *General sanitation.* In each manufactured home park, the permittee or duly authorized attendant or caretaker shall be in charge at all times to keep the manufactured home park, its facilities, and equipment in a clean, orderly, safe and sanitary condition.

(I) *Park identification.* Each manufactured home park shall have its park name on a sign clearly visible at the park entrance.

(1) Manufactured home park identification shall be limited to one sign per park entrance. No sign shall exceed 36 square feet in area.

(2) Each manufactured home lot shall be numbered and clearly marked so as to be clearly visible for emergency vehicle response.

(J) *Existing manufactured home parks.* Manufactured home parks existing at the time of the adoption of the ordinance from which this chapter is derived shall be allowed to continue, but shall not be allowed to expand or increase through (including but not limited to) acquisition of additional land or development of any manufactured home site or placement of any manufactured home in said manufactured home park, unless such expansion fully meets the requirements set forth in this chapter. If a manufactured home park existing before the adoption date of the ordinance from which this chapter is derived should lose its operating permit, then it shall be subject to the regulations and requirements of this chapter in the reapplication for an operating license.

(K) *Manufactured home standards.*

(1) Manufactured homes permitted within the Manufactured Home Zone shall be at a minimum Class B homes.

(2) Additionally, such manufactured homes shall meet the following requirements:

(a) The manufactured home shall be occupied only as a single-family dwelling.

(b) The manufactured home shall have a minimum width of 16 feet for a single wide home and twenty-four feet for a double wide home.

(c) The manufactured home shall have a length not exceeding four times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part.

(d) The towing apparatus, wheels, axles, and transporting lights shall be removed and shall not be included in length and width measurements.

(e) The longest axis of the manufactured home shall be oriented parallel or within a ten degree deflection of being parallel to the lot frontage, unless other orientation is permitted by the Board of Adjustment following a public hearing.

(f) The manufactured home shall be set up in accordance with the standards established by the North Carolina Department of Insurance. In addition, a continuous, permanent masonry foundation or masonry curtain wall constructed in accordance with the standards of the North Carolina State Building Code, unpierced except for required ventilation and access, shall be installed under the perimeter of the manufactured home.

(g) The exterior siding shall consist of one or more of the following:

1. Vinyl or aluminum lap siding whose reflectivity does not exceed that of flat white paint;
2. Cedar or other wood siding;
3. Wood grain, weather resistant press board siding;
4. Stucco siding; or
5. Brick or stone siding; which shall be comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

(h) The pitch of the roof shall a minimum vertical rise of three and one-half feet for each 12 feet of horizontal run.

(i) The roof shall be finished with a Class A shingles, or better, roofing material that is commonly used in standard residential construction. Corrugated aluminum, corrugated fiberglass, or metal roofs shall not be permitted.

(j) All roof structures shall provide an eaves projection of no less than six inches.

(k) The manufactured home shall be permanently connected to local utilities.

(l) Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the manufactured home shall be installed or constructed in compliance with the standards of the North Carolina State Building Code, attached firmly to the primary structure and be anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of 24 square feet. It is the intent of this subsection to prohibit the use of wood stairs only at any entrance to a manufactured home. (Prior Code, § 62-9) (Ord. passed 6-13-1972; Ord. passed 12-5-1989; Ord. passed 8-4-2010; Ord. passed - - ) Penalty, see § 153.99

### § 153.21 NEIGHBORHOOD BUSINESS ZONE.

Within the Neighborhood Business Zone as indicated on the zoning map no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed for any other than one or more of the purposes specified in this section.

(A) *Uses permitted.*

- (1) Any use permitted in any residential zone, except multi-family dwellings and solar energy system farms;
- (2) Banks;
- (3) Barbershops;
- (4) Beauty shops;
- (5) Eating and drinking establishments with the exception of drive-in facilities;

- (6) Florists;
- (7) Laundries, laundromats and dry cleaning establishments;
- (8) Offices, business and professional;
- (9) Repair shops for jewelry, radios and television and other small household appliances;
- (10) Signs constructed and placed in accordance with the ordinances with the town;
- (11) Retailing establishments engaged in selling drugs, food and beverage, notions and hardware; and
- (12) Accessory buildings and uses customarily and necessarily incident to the above specified uses.

(B) *Building height limit.* No building shall exceed 35 feet in height.

(C) *Area regulations.*

(1) Buildings erected in the Neighborhood Business Zone for dwelling purposes exclusively shall comply with the requirements of the R-6 Residential Zone.

(2) Where a building is erected for mixed use, namely for both dwelling and business purposes, such building shall be provided with two side yards, one on each side of the building, neither of which shall be less than eight feet in width; provided, however, that this regulation shall not apply to the side of a corner lot adjacent to the street.

(3) Where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than 20 feet in width.

(D) *Front yard required.* Same as R-6 Residential Zone.

(Prior Code, § 62-10) (Ord. passed 6-13-1972; Ord. passed 8-4-2010; Ord. passed - - )

### § 153.22 CENTRAL BUSINESS ZONE.

Within the Central Business Zone, as indicated on the zoning map, no lot, building or structure shall be used, and no building or structure shall be erected which is intended or designed for any other than one or more of the purposes set forth in this section.

(A) *Uses permitted.*

(1) Any use permitted in any residential zone and neighborhood business zone, except multi-family dwellings and solar energy system farms;

(2) Retail stores, shoe shops, barbershops, restaurants, offices, hotels, theaters, assembly halls, newsstands, service stations, public and private parking lots and garages, greenhouses and retail stores conducting incidental and secondary wholesale departments;

(3) Public utility storage or service yards;

- (4) Signs constructed and placed in accordance with the ordinances of the town;
- (5) Newspaper offices or printing plants;
- (6) Dry cleaning, pressing plants and laundries;
- (7) Freezer lockers, cold storage plants;
- (8) Billiard or pool tables or rooms, bowling alleys, dance halls and other forms of public amusements;
- (9) Motor freight terminal, wholesale and storage warehouses;
- (10) Automobile sales, service and body repair garages;
- (11) Accessory buildings and uses customarily and necessarily incident to the above specified uses;
- (12) In general, business not creating or likely to create either smoke, odor, gas, dust, noise or vibration;
- (13) Automobile service station; and
- (14) Convenience store.

(b) *Building height limit.* In the Central Business Zone, every building hereafter erected or structurally altered to exceed 50 feet in height shall, above said height, be set back from the front lot line on the ratio of one foot for each two feet rise above said 50 feet in height.

(C) *Area regulations.*

(1) Buildings erected in the Central Business Zone for dwelling purposes exclusively shall comply with the requirements of the R-6 Residential Zone.

(2) Where a building is erected for mixed use, namely for both dwelling and business purposes, such building shall, if more than two rooms in depth, be provided with two side yards, one on each side of the building, neither of which shall be less than six feet in width; provided, however, that this regulation shall not apply to the side of a corner lot adjacent to the street.

(3) Where a lot abuts upon the side of a lot zoned residential there shall be a side of not less than 20 feet in width.

(Prior Code, § 62-11) (Ord. passed 6-13-1972; Ord. passed 8-4-2010; Ord. passed - - )

**§ 153.23 HIGHWAY BUSINESS ZONE.**

Within the Highway Business Zone, as indicated on the zoning map, no lot, building or structure shall be used, and no building or structure shall be erected, which is intended or designed of any other than one or more of the purposes specified in this section.

(A) *Uses permitted.*

- (1) Any use permitted in any Residential Zone, Mobile Home Zone, Neighborhood Business Zone, and the Central Business Zone, except multi-family dwellings and solar energy system farms;
- (2) Automobile washing establishments;
- (3) Mobile home display lots, boat and marine sales;
- (4) Building material storage and sales yards;
- (5) Glass and mirror repair and sales;
- (6) Animal hospitals, provided there shall be no open kennels, provided further no pens and kennel fences shall be located closer than 20 feet to any property line;
- (7) Hatcheries;
- (8) Commercial greenhouses;
- (9) Drive-in restaurants, provided such drive-in restaurants are fenced on all sides which abut residential districts to a height of at least six feet;
- (10) Motor freight terminals;
- (11) Dairy bars, where the products are sold at retail on the premises only;
- (12) Baseball and golf driving ranges;
- (13) Golf courses, including miniature;
- (14) Riding stables;
- (15) Racetracks;
- (16) Drive-in theaters;
- (17) Coliseums;
- (18) Automobile service stations; and
- (19) Convenience stores.

(B) *Area and yard regulations.*

- (1) Buildings erected in the Highway Business Zone for dwelling purposes exclusively shall comply with the requirements of the R-6 Residential Zone.

(2) Where a building is erected for mixed use, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes shall, if more than two rooms in depth, be provided with two side yards, one on each side of the building, neither of which shall be less than six feet in width; provided, however, that this regulation shall not apply to the street side of a corner lot.

(3) Where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than 20 feet in width.

(Prior Code, § 62-12) (Ord. passed 6-13-1972; Ord. passed 8-4-2010; Ord. passed - - )

### § 153.24 INDUSTRIAL ZONE.

(A) In the Industrial Zone, any building or land may be used for any purpose not in conflict with any ordinance of the town, except that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the Zoning Board of Adjustment:

(1) Cement, lime, gypsum or plaster of Paris manufacture;

(2) Explosives, manufacture or storage;

(3) Fat rendering;

(4) Gas manufacture;

(5) Glue manufacture;

(6) Pulp manufacture; or

(7) Any other similar operation which may be declared objectionable by the Zoning Board of Adjustment.

(B) Area and yard regulations:

(1) Buildings erected in the Industrial Zone for dwelling purposes exclusively shall comply with the requirements of the R-6 Residential Zone;

(2) Where a building is erected for mixed use; namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes shall, if more than two rooms in depth, be provided with two side yards, one on each side of the building, neither of which shall be less than eight feet in width; provided, however, that this regulation shall not apply to the side of a corner lot adjacent to the street; and

(3) Where a lot abuts upon the side of a lot zoned residential, there shall be a side yard of not less than 20 feet in width.

(Prior Code, § 62-13) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

*MISCELLANEOUS PROVISIONS***§ 153.35 HEIGHT AND AREA EXCEPTIONS AND SUPPLEMENTS.**

The following requirements or regulations qualify or supplement, as the same may be, the zone regulations or requirements appearing elsewhere in this chapter.

(A) Public or semi-public buildings, hospitals, sanatoriums, schools and churches or temples, where permitted in a zone, may be erected to a height not exceeding 96 feet.

(B) Chimneys, water tanks or towers, elevator bulkheads, stacks, ornamental towers or spires, wireless or broadcasting towers, or monuments, cupolas, domes, false mansards, parapet walls, similar structures and necessary mechanical appurtenances may be erected to a height in accordance with existing or hereafter adopted ordinances.

(C) Every part of a required yard shall be open from its lowest point to the sky unobstructed; except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum side yard more than 24 inches.

(D) Open or enclosed fire escapes, outside stairways, balconies and other necessary unenclosed projections may project into a minimum side yard not more than 50% of the required side yard and the ordinary projections of chimneys and flues may be permitted by the Building Inspector where same are so placed as not to obstruct the light and ventilation.

(E) Public use facilities may be located in any zoning district and are not subject to the building height limits, site area, or front, side or rear yards generally required in the zoning district in which the public use facility is located.

(Prior Code, § 62-14) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

**§ 153.36 TELECOMMUNICATIONS TOWERS.**

(A) Telecommunications towers may be located in any zoning district as a conditional use subject to the requirements set forth in this section.

(1) As used herein, the term *TELECOMMUNICATIONS TOWER* shall mean any structure exceeding 35 feet in height which is used for the purpose of telecommunications, including, but not limited to, all "wireless communications facilities" as that term is defined in the Telecommunications Act of 1996, as amended.

(2) Telecommunications towers are subject to the following conditions.

(a) The applicant for a conditional use permit for a telecommunications tower must submit with the application such site plans, sworn statements or other documentation necessary to establish that the application meets the requirements of this section.

(b) The dimensional requirements for telecommunications towers in all districts shall be governed by this section. Telecommunications towers may be located on any undeveloped lot and as a second use on any

developed lot, provided that the distance between the base of the tower and all adjoining property lines shall be one foot for every two feet of tower height.

(c) All telecommunication towers and any equipment located at the base of the tower must be enclosed by security fencing having a minimum height of eight feet. All guyed towers must also have eight-foot high security fencing around each guy anchor point.

(d) If a telecommunications tower is to be located in a zoning district in which this chapter imposes landscaping requirements, the area surrounding the fenced compound at the base of the tower must meet the landscaping requirements applicable to the zoning district. If compliance with these landscaping requirements is not practical for any reason, the applicant may propose an alternative means of compliance which will satisfy the requirements of this section so long as the base of the tower and the equipment located within the fenced compound is reasonably shielded from view from adjoining property lines.

(e) The applicant for a telecommunications tower must submit a sworn statement with the applications stating that: the tower will be designed, constructed, operated, and maintained in accordance with all applicable local, state, and federal laws, rules, and regulations, including the regulations of the Federal Communications Commission and the Federal Aviation Administration; that any tower exceeding 150 feet in height will be designed to accommodate the equipment of at least one additional telecommunications company; and that any tower which is not used for a continuous period of not less than 12 months shall be removed.

(f) No telecommunications tower shall have any signs located on the tower nor shall any tower facility be occupied as a dwelling.

(B) This section contains the regulations for placement of telecommunications towers and, to the extent that any other provisions of the zoning ordinance shall be deemed applicable to telecommunications towers, such provisions shall be construed so as to be consistent with the provisions of this section.

(C) No telecommunications tower shall be constructed except upon the issuance of a conditional use permit in accordance with the definition of "conditional use" in § 153.02. The Town Council shall have the right to modify any of the requirements contained in this section as a condition to the issuance of a conditional use permit, and shall have the right to place such additional conditions on the issuance of a conditional use permit for telecommunications tower as they deem necessary or appropriate.

(Prior Code, § 62-15) (Ord. passed 6-13-1972; Ord. 29, passed 11-9-1999; Ord. passed 8-4-2010)

### § 153.37 NONCONFORMING USES.

(A) The lawful use of a building existing at this time of the passage of this chapter shall not be affected by this chapter, although such use does not conform to the provisions of this chapter; and such use may be extended throughout the building provided no structural alterations, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building, are made therein but no such use shall be extended to occupy any land outside such building. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period exceeding 120 days, every future use of such premises shall be in conformity with the provisions of this chapter.

(B) The lawful use of land existing at the time of the passage of this chapter, although such does not conform to the provisions of this chapter, shall not be affected by this chapter; provided however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a

greater area of land than that occupied by such use at the time of the passage of the ordinance from which this chapter is derived. If such nonconforming use is discontinued for a continuous period exceeding 120 days, any future use of said land shall be in conformity with the provisions of this chapter.

(C) A nonconforming use may be changed to a use of the same or higher classification according to the provisions of this chapter.

(1) When a zone shall hereafter be changed, any then existing nonconforming use in such changed zone may be continued or changed to a use of a similar or higher classification; provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a nonconforming use or to a lower classification.

(2) The order of classification of uses from the highest to lowest for the purposes of this section shall be as follows:

- (a) R-15 Residential uses;
- (b) R-75 Residential uses;
- (c) R-6 Residential uses;
- (d) Mobile Home uses;
- (e) Neighborhood Business uses;
- (f) Central Business uses;
- (g) Highway Business uses; and
- (h) Industrial uses.

(3) For the purposes of this section manufactured home uses shall be considered a use of lower classification than Neighborhood Business District uses; Central Business District uses and Highway Business District uses.

(D) (1) Nothing in this chapter shall be construed to prevent the restoration of a building destroyed to the extent of not more than 80% of its replacement value, exclusive of foundations, by fire, explosion, or other casualty, or act of God, or the public enemy, if such building is repaired or rebuilt within one year of the date of such damage but not thereafter. A building damaged more than 80% of its replacement value shall be rebuilt to conform to this chapter. This chapter shall not prevent this continued occupancy of use of such building or part thereof which existed at the time of such partial destruction.

(2) In residential zoning districts, a single-family detached dwelling may be erected on a nonconforming lot.

(Prior Code, § 62-16) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

**§ 153.38 ZONING BOARD OF ADJUSTMENT.**

(A) A Zoning Board of Adjustment is hereby established. The word **BOARD** when used in this chapter shall be construed to mean the Zoning Board of Adjustment. Said Board shall consist of five members, appointed by the Town Council, each to be appointed for a term of three years. The original appointment shall be made in this manner: One member shall be appointed for a term of one year; two members shall be appointed for a term of two years; and two members shall be appointed for a term of three years. At the expiration of the terms of all members first appointed all new or reappointments shall be made for a term of three years. All appointments to fill vacancies shall be for the unexpired term. The Board shall elect a chairman from its membership and such other officers as the Board deems best.

(B) The members of the Board shall receive no compensation for their services.

(1) All meetings of the Board shall be held at a regular place and shall be open to the public. The Board shall keep minutes of its proceedings in a book maintained for that purpose only, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact, and final disposition of appeals shall be by recorded resolution indicating the reasons of the Board therefore, all of which shall be a public record. No final action shall be taken on any matter unless a quorum be present.

(2) An appeal from the decision of the Building Inspector may be taken to the Board by any person aggrieved or any officer, department, board or bureau of the town affected by such decision. Such appeal shall be taken within a reasonable time as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board after the notice of appeal shall have been filed with him or her by reasons of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order, which may be granted by the Board or by a court of record on application of notice to the officer from whom the appeal is taken and on due cause shown.

(3) (a) The Board shall have the following powers:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Building Inspector. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector to decide in favor of the applicant any matter on which it is required to pass this chapter or to effect any variation in this chapter;

2. To permit a temporary building for business in the residential zone, which is incidental to the residential development, such permit to be issued for a period of not more than one year; and

3. To authorize upon appeal in specific cases variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in undue hardship, and so that the spirit of this chapter shall be observed and substantial justice done.

(b) In considering all proposed variations to this chapter, the Board shall, before making any finding in a specified case, first determine that the proposed variation will not constitute any change in the zones

shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals and general welfare. In granting a variance the Board may attach hereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purposes of this chapter. Before a variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood. A variance may be granted only when the practical difficulty or undue hardship complained of is due to the particular characteristics of the property and not to the general conditions of the neighborhood which may reflect an undue stringency of this chapter itself. A hardship peculiar to the applicant, as distinguished from others affected by the general rule, must be shown. The fact that property may be utilized more profitably will not be considered adequate to justify the Board in granting a variance.

(4) Any person or persons, jointly or severally, aggrieved by any decision of the Board, or any taxpayer, or any officer, department, board or bureau of the town may within 30 days after the filing of the decision in the office of the Board, but not thereafter, present to a court of competent jurisdiction a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said Board shall be subject to review as provided by law.  
(Prior Code, § 62-17) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

*Statutory reference:*

*Board of Adjustment, see G.S. § 160A-388*

**§ 153.39 ZONING COMPLIANCE CERTIFICATE.**

(A) No building or other structure shall be erected, moved, extended, enlarged or structurally altered until a building permit for such work has been issued by the town.

(B) Each application for a building permit shall be accompanied by such building plans or other information as may be necessary to determine if the provisions of this chapter are being observed.

(C) This chapter shall be administered and enforced by the Zoning Administrator, or his/her designated representative, who shall be named by the Town Council and is hereby empowered to:

(1) Issue a zoning compliance certificate as a prerequisite to issuance of a building permit by the County Building Inspections Department;

(2) To collect the designated fees approved by the Town Council for requests for amendments, conditional use permits, variances, appeals and plat filings; and

(3) To make and keep all records necessary and appropriate to the office, including records of issuance and denial of all zoning compliance certificates, conditional use permits, variances, appeals, complaints and violations of this chapter and actions taken.

(D) Application for a zoning compliance certificate shall be made to the Zoning Administrator. Each application shall be accompanied by plans sufficient in detail to show the exact location of all structures, parking, utilities, streets and any other information the Zoning Administrator deems necessary to satisfy the requirements

of this chapter, except that for residential accessory buildings, a simple plot plan showing location of buildings on the lot may be submitted.

(Prior Code, § 62-18) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

#### § 153.40 BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

(A) No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the town stating that the building and/or the proposed use thereof complies with the provisions of this chapter. A like certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use.

(B) A certificate of occupancy, either for the whole or part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alterations of such building or part shall have been completed in conformity with the provisions of this chapter. A record of all certificates shall be kept on file in the town office, and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building erected.

(C) No permit for excavation for, or erection of, any building, or part of a building, or for repairs to, or alteration of, a building shall be issued until after a statement of its intended use has been filed by the applicant.

(1) No building, sign or other structure shall be erected, added to, relocated or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Building Inspector or his/her designee issues a building permit in accordance with the requirements of this chapter.

(2) No building which has been erected, added to, relocated or structurally altered for which a permit has been issued shall be used or occupied, nor the use of any building or land changed, until a certificate of occupancy has been issued by the Building Inspector stating that the building or structure, or part thereof, complies with the provisions of this chapter. No previously unoccupied structure shall be occupied until the certificate of occupancy is issued.

(3) No temporary utilities shall be connected until a building permit is issued. No permanent utilities shall be connected until a certificate of occupancy is issued.

(4) The county provides building inspection services within the corporate limits and the extraterritorial jurisdiction of the town. Application for a building permit and certificate of occupancy shall be made with the County Building Inspections Department. A zoning compliance certificate must be obtained from the Zoning Administrator before application can be made for a building permit.

(5) No building permit shall be issued until the plans and specifications of said building comply with the State Building Code, the county inspections ordinance, the provisions of this chapter, municipal zoning and land use regulations and a zoning compliance certificate has been executed by the town.

(Prior Code, § 62-19) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

**§ 153.41 INTERPRETATION, PURPOSE, CONFLICT.**

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, prosperity and general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this chapter shall govern. (Prior Code, § 62-20) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

**§ 153.42 CHANGES AND AMENDMENTS.**

The Town Council may from time to time on its own motion or on petition after public notice and hearing as provided by law amend, supplement, or change, modify, or repeal the boundaries or regulations herein or subsequently established. Provided, however, the Town Council may refer any proposed amendment to the zoning ordinance or map to the Planning Board for its recommendation and report. In case, however, of a protest against such change signed and acknowledged by the owners of 20% or more of the frontage proposed to be changed or of the areas of the lots on either side thereof, or of the frontage immediately in rear thereof, or directly opposite thereto, such amendment shall not be passed except by a three-fourths vote of all the members of the Town Council present and voting. (Prior Code, § 62-21) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

**§ 153.43 ENFORCEMENT.**

The Building Inspector or other person designated by the Town Council is hereby authorized, and it shall be his or her duty, to enforce the provisions of this chapter. Appeal from the decision of the Building Inspector or other designated enforcement officer may be made to the Zoning Board of Adjustment. (Prior Code, § 62-22) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

**§ 153.44 BUILDING PERMITS PRIOR TO EFFECTIVE DATE.**

No section of this chapter shall in any way prohibit, restrict, or affect in any manner or form any person, firm or corporation who has secured a building permit issued by the town prior to June 13, 1972. (Prior Code, § 62-23) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)

**§ 153.45 EXTRATERRITORIAL JURISDICTION.**

Pursuant to G.S. § 160A-360, the town shall exercise extraterritorial jurisdiction over the area hereinafter described which is contiguous to the limits of the town and not more than one mile distant at any point therefrom, to wit: beginning in the center of the intersection of U.S. Highway 13-N.C. Highway 11 and N.C. Highway 30 and running thence eastwardly along the centerline of N.C. Highway 30 to its intersection with N.C. Secondary Road 1508; thence northwardly in a straight line to the common juncture of the boundaries of Edgecombe, Martin and Pitt Counties; thence westwardly with the boundary line of Edgecombe County to its intersection with Crisp

Branch Canal; thence southwardly in a straight line to the intersection of U.S. Highway 64 and N.C. Secondary Road 1431; and thence from that point a straight line to the intersection of U.S. Highway 13-N.C. Highway 11 and N.C. Highway 30, the point of beginning.

(Prior Code, § 62-24) (Ord. passed 7-2-1980; Ord. passed 8-4-2010)

***Statutory reference:***

*Territorial jurisdiction, see G.S. § 160A-360*

**§ 153.99 PENALTY.**

Any person, firm or corporation who violates the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 or imprisoned not exceeding 30 days. Each day that violation continues to exist shall be considered a separate offense.

(Prior Code, § 62-24) (Ord. passed 6-13-1972; Ord. passed 8-4-2010)