

# **ZONING ORDINANCE TOWN OF ANSONVILLE, NORTH CAROLINA**

## **ARTICLE 1: AUTHORITY & ENACTMENT CLAUSE**

Pursuant to authority conferred by Chapter 160A, Article 19, Parts 1 and 3 of the North Carolina General Statutes as amended, and for the purpose of promoting the health, safety, morals or general welfare of the inhabitants of the Town of Ansonville by lessening congestion in the streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue congestion of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; preserving the natural environment; and ensuring the development of a future environment that realizes the greatest possible use and enjoyment of individual properties.

The zoning districts and maps have been made with due consideration future growth, development, and change in land development according to objectives expressed in the comprehensive plan, as well as with due consideration of existing development and uses the land in the Town of Ansonville.

These regulations and districts represent reasonable consideration of the character of the particular suitability for particular uses of land and have been made with a view to preserve the existing environment and /or assure the development of a future environment that realizes the greatest use and enjoyment of the land on individual properties. This is balanced against the necessary protection of values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

## **ARTICLE 2: PURPOSE & SHORT TITLE**

### SECTION 2.1 Purpose

- 2.1.1 These zoning regulations have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate and economic provision of transportation, water, sewerage, schools, parks and other public facilities and services.
- 2.1.2 The zoning districts and maps have been made with due consideration of future growth, development, and change in land development, as well as with due consideration of existing development and uses of land in the Town of Ansonville.
- 2.1.3 These regulations and districts represent reasonable consideration of the character of the districts and their peculiar suitability for particular uses of land and have been made with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties. This is balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulation of land use and the process of land development.

### SECTION 2.2 Short Title

This Ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Ansonville, North Carolina.

## ARTICLE 3: JURISDICTION

### SECTION 3.1 Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the Town of Ansonville and within the extraterritorial area as defined by ordinance and as now or hereafter fixed, and any property thereto annexed in the future. The boundaries of the zones are shown upon the map accompanying the Ordinance and made a part thereof, and said map shall be known as the "Official Zoning Map of Ansonville, North Carolina". Said map and all notations, references and all amendments thereto, and other information shown thereon are hereby made a part of this Ordinance the same as if such information set forth on the map was all fully described and set out herein. The zoning map properly attested is on file in the Town Hall and is available for inspection by the public.

### SECTION 3.2 Bona Fide Farms Exempt

This Ordinance shall in no way regulate, restrict, prohibit, or otherwise deter any bona fide farm and its related uses, except that any such use of property for non-farm purposes shall be subject to such regulations.

### SECTION 3.3 Relation to Other Ordinances

It is not intended that this Ordinance shall in any way repeal, annul, or interfere with the existing provisions of any other law or ordinance except any ordinance which these regulations specifically replaces. It is not intended that these regulations shall interfere with any easements, covenants, or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, for yards, or for the size of structures than is called for by other ordinances, permits, easements, or agreements, then the provisions of these regulations shall control. In the event of any conflict in limitations, restrictions, or standards applying to a project or developments, the more restricted provision shall apply.

### SECTION 3.4 Separability

If any section or specific provision or standard of this Ordinance or any zoning district boundary that may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

### SECTION 3.5 Effective Date

This Ordinance shall take effect and be enforced from and after *January 5, 2004*.

## **ARTICLE 4: DEFINITIONS OF TERMS USED IN THIS ORDINANCE**

For the purpose of interpreting this Ordinance, certain words or terms are herein defined. Except as defined herein, all other words used in this Ordinance shall have their customary dictionary definition.

### SECTION 4.1 Interpretation of Terms and Words

- (1) Words used in the present tense include the future tense.
- (2) Words used in the singular number include the plural, and words used in the plural number include the singular.
- (3) The word “person” includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- (4) The word “lot” includes the word “plot” or “parcel”.
- (5) The word “building” includes the word “structure”.
- (6) The word “shall” is always mandatory and not merely directory.
- (7) The words “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied”.
- (8) The word “Map”, or “Zoning Map”, or “Ansonville Zoning Map” shall mean the “Official Zoning Map of the Town of Ansonville, North Carolina”.
- (9) Any word denoting gender includes the female and the male.
- (10) The term “Town Council” shall mean the “Town Council of the Town of Ansonville, North Carolina”.
- (11) The term “Planning Board” shall mean the “Planning Board of the Town of Ansonville, North Carolina”.
- (12) The term “Board of Adjustment” shall mean the “Board of Adjustment of the Town of Ansonville, North Carolina”.
- (13) The term “Zoning Administrator” shall mean the Zoning Administrator of the Town of Ansonville, North Carolina.

## SECTION 4.2 Definitions of Specific Terms and Words

### Abandonment

The discontinuance of a use with the intent not to re-establish such use. Any of the following shall constitute evidence of abandonment or intent to abandon:

- a. The use is discontinued for a consecutive period of 180 days; or
- b. The premises have been devoted to another use; or
- c. Failure to take all positive action to resume the nonconforming use including the failure to advertise the property for sale or lease; or
- d. When characteristic equipment and furnishings of a nonconforming nonresidential use have been removed from the premises and have not been replaced by the same or similar equipment within 30 days.

### Accessory Use

A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building.

### Adult Establishments

Any structure or use of land that meets the definition of adult establishment as outlined in North Carolina General Statute Sec. 14-202.10 as may be amended from time to time. Also included are any establishments which receive at least 25% of its gross income during any calendar month from the sale or rental of films, motion pictures, video cassettes or video reproductions, slides, computer media, or other visual representations that depict or describe "specific sexual activities" or specific "anatomical areas" as defined in N.C.G.S 14-202.10.

### Amusement Arcade

A commercial building in which there are between three (3) and ten (10) amusement game machines on the premises which are available to the public. An amusement arcade may contain commercial recreational machines or games other than amusement game machines.

Animal Kennel

A commercial enterprise where more than six (6) dogs or other domesticated animals are bred or boarded.

Auction House

A facility that is used for the purpose of having auctions on a regularly scheduled basis.

Automobile Body Shop

A business which primarily involves the painting and/or external repair of damaged vehicles.

Automobile Detail Establishment

A commercial establishment that involves manual automobile washing (both of the interior and exterior of the automobile) and waxing.

Automobile Parts Store

An establishment which sells new and/or rebuilt automobile parts and accessories but does not include junk yards, used auto parts sales, or the installation of such parts.

Automobile Repair Shop

A commercial establishment whose primary purpose involves the maintenance and servicing of vehicles. "Auto body work" (i.e., work normally associated with an "Automobile Body Shop", may not be performed on-premises unless the zoning district in which the use is located allows for an "Automobile Body Shop". The sale of automotive fuels and accessory automobile parts to the public may be provided on an accessory basis. Notwithstanding, an "Automobile Repair Shop" is differentiated from an "auto parts store" in that the sale of automotive parts is not the primary service being offered.

Automobile, Truck, Boat, Motorcycle Sales

Premises on which new or used passenger automobiles, trucks, boats, or motorcycles in operating condition are displayed (either indoors or outdoors) for sale or trade. Repair or body work conducted on-premises shall be limited to that which is incidental to the operation.

Automobile Salvage Yard

See "Junk Yard and Automobile Salvage Yard".

Automobile Service Station (i.e.; gas station)

A retail establishment primarily engaged in the sale of automotive fuels to the general public. Other products which may be sold on-premises include accessory automobile supplies including (but not limited to) vehicle lubricants, batteries, tires, and convenience items (e.g., sodas, candy, newspaper, tobacco products). Vehicle repair services (except for paint and bodywork) may be conducted on-premises. An automatic car wash may be provided on-site so long as it meets all of the criteria in that zoning district for Automobile Wash, class 2. Such use shall be distinguished from a “convenience store” or “mini-mart” given that the primary product for sale is automotive fuels.

Automotive Towing and Wrecker Service

An establishment primarily engaged in the towing of motor vehicles and vehicular storage associated with vehicle accidents and violations. This shall not include vehicular salvaging operations nor the sale of salvaged vehicular parts. This use is not to be construed as a junkyard or an automobile salvage yard.

Automobile Wash, Class 1 (i.e., self-service washes)

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks. Such washing shall be done manually by the customer or by fully automated machines. (i.e., the use of fully automated devices that move the vehicle through a washing device shall not be permitted). Accessory self-vacuuming facilities shall be allowed.

Automobile Wash, Class 2 (i.e., automatic car wash)

A commercial establishment primarily engaged in the washing of automobiles, motorcycles, and pick-up and panel trucks using a combination of personnel and automated systems to wash the vehicle. The retail sale of fuels and related automotive goods may also be provided on-premises on an accessory basis.

Billiard Parlor

An establishment containing a minimum of three (3) and a maximum of ten (10) pool tables for sue by the general public.

Book Store

A commercial establishment where books are the primary item sold. An establishment that sells books and meets the definition of “adult use”, and as herein defined, shall not be considered a “book store”.

Building

Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of an individual, animal, process, equipment, goods or materials of any kind or nature.

Building Height

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

Building, Principal

A building in which is conducted the principal use of the lot on which said building is situated.

Cemetery

Property used for the commercial sale and location of burial lots and/or crypts, and/or vaults for use exclusively on the subject property, and which is not accessory to a church/house of worship.

Church/House of Worship

A building or structure, or group of buildings or structures, which by design and construction are primarily intended for conducting organized religious services and whose site may include an accessory area for the interment of the dead.

Community Center

A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or non-profit group or agency.

Conditional Use

Any use authorized by a conditional use permit.

Conditional Use Permit (CUP)

A special authorization for a specific use-other than a permitted use within the zoning district-which is subject to any special restrictions or conditions on its location, size, extent or character of use as determined by the Town Council in order to insure consistency with the intent and character of the zoning district in which the use is located.

Construction Trailer

A trailer that is designed for neither overnight nor year-round occupancy and is used exclusively at a construction project on a temporary basis for office purposes only.

Convenience Store

An establishment which is open for extended hours which sells packaged and/or prepared foods, beverages and licensed beer and wine and other conveniences (which may include gasoline or other petroleum products) primarily for consumption and use off premises. Sale of items are highly dependant upon convenience of location, store hours, speed of service and highway accessibility and are less dependant on comparison-shopping.



### Day Care Center

A place where daytime care is provided to six or more children unrelated by blood or marriage to, and not the legal wards or foster children of the attendant adult.

### Dry Cleaning Service Outlet

An establishment engaged in providing laundry, dry cleaning, and other related services on a pick up and drop off basis to individual customers. The actual laundering and/or dry cleaning of clothes brought into that store (only) may take place at such facility.

### Dwelling Unit

A building or portion thereof, that provides complete and permanent living facilities for one (1) family. The term “dwelling” shall not be deemed to include a motel, hotel, tourist home, mobile home, or other structure designed for transient residence.

### Dwelling, Single-Family

A detached building designed for or occupied exclusively by one (1) family.

### Dwelling, Two-Family

A building arranged or designed to be occupied by two (2) families living independently of each other.

### Dwelling, Multi-Family

A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, and multi-family developments.

### Essential Services

Publicly or privately owned facilities or systems for the distribution of gas, electricity, steam, or water; the collection and disposal of sewage or refuse; the transmission of communications; or similar functions necessary for the provision of public services. Essential Services are divided into the following three classes:

#### Class 1

Transmission lines-whether subterranean or overhead-including electrical, natural gas, and water distribution lines; sewer gravity lines and pressure mains; underground septic tanks and drain fields; cable television and telephone transmission lines; or similar utility lines.

#### Class 2

Booster stations, pumping stations, switching facilities, substations, lift stations, or other similarly required facilities in connection with telephone, electric, steam, water, sewer, or other similar utilities.

### Class 3

Generation, production, or treatment facilities such as power plants, sewage treatment plants or similar utilities except sanitary landfills.

### Family

An individual, or two or more persons related by blood, marriage or adoption living together as a single housekeeping unit; or a group of not more than six persons who need not be related by blood, marriage, or adoption living together as a single housekeeping unit.

### Family Care Home (Group Home)

A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons.

### Farm Supply Store

An establishment where feed, seed, animal and agricultural supplies are primarily sold in bulk quantities.

### Farmers' Market

A market (normally conducted outdoors) on pre-established dates at which locally and regionally grown fruits and vegetables are sold on a retail basis. Baked good items, hand-made crafts, and produce items not native to this region may also be sold but may not constitute a majority of total sales.

### Finance Company

A commercial establishment primarily involved in the lending of money to individuals on a short-term basis.

### Financial Institution

A commercial bank, mortgage bank, savings and loan association, or credit union, any of which are licensed, insured, and chartered by the United States of America or the State of North Carolina.

### Flea Market

An open-air market for new and/or second-hand articles and goods sold by one or more merchants which is conducted on an open nonresidential lot. Yard sales conducted by individuals shall not be considered flea markets.

### Food Store

Also known as a “grocery store” or a “supermarket”, an establishment greater than three-thousand (3,000) square feet in area which may sell a wide variety of fresh produce, canned and packaged food items, small household goods and similar items which are consumed and used off premises. In addition, the store may contain a delicatessen section in which prepared foods are sold and may be consumed on premises in a specially designed sit-down area. Sales of grocery items are highly dependent on comparison shopping. The sale of fuel at food stores shall not be permitted. A food store may be open twenty-four (24) hours a day.

### Fraternal and Service Organization Meeting Facility (Non-Profit and Not-For-Profit)

A facility operated by an association of persons for activities that include, but are not limited to social, literary, political, educational, fraternal, charitable, or labor activities, but which are not operated for profit or to render a service that is customarily conducted as a business.

### Funeral Home

A facility used for the preparation of the deceased for burial and display of the deceased and ceremonies connected therewith before burial or cremation.

### Garden Supply and Seed Store

A retail establishment at which animal feed, crop seeds and related products are sold. The milling and grinding of feed or flour at such establishments shall be prohibited as shall the storage of milled products. The sale of agricultural chemicals shall be limited to general retail use (as distinguished from an “animal supply store” where large quantities of agricultural chemicals are sold for agricultural purposes).

### Handicapped Person

An individual with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing or sight impairment, but not including mentally ill individuals who are dangerous as defined by NC G.S. 122c-3(1)b.

### Home Occupation, Customary

A nonresidential use conducted within a dwelling unit by the resident occupants which is clearly customarily incidental and subordinate to its use for residential purposes and, when observed from beyond the property boundaries, does not give visual, audible, sensory, or physical evidence that the property is used for any nonresidential purpose.

### Junkyard and Automobile Salvage Yard

The use of more than six-hundred (600) square feet of the area of any lot for the storage, keeping, or abandonment of junk, including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Lot

A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use or combination of uses, together with the customary accessories and open spaces belonging to the same. Easements located within the lot shall be construed to be a part of that lot.

Lot Area

The total area within the lot lines of a lot exclusive of any public street Right-of-way.

Lot, Center

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one-hundred thirty-five (135) degrees with each other.

Lot, Interior

A lot other than a corner lot.

Lot Line

A line of record bounding a lot which separates one lot from another lot or separates that lot from a public or private street or any other public space.

Lot Line, Front

The lot line separating a lot from a street right-of-way.

Lot Line, Rear

The lot line opposite and most distant from the front lot line.

Lot Line, Side

Any lot line other than a front or rear lot line.

Lot of Record

A lot or combination of contiguous lots described pursuant to the most current plat or metes and bounds description or description recorded in the office of the Anson County Register of Deeds.

Lot Width

The distance between side lot lines measured at the minimum front yard line.

### Manufactured Goods, Class 1

Manufacturing, refining, processing, or assembly of goods or products subject to the following limitations (Note: The term “SIC” shall refer to the Standard Industrial Classification System as set forth in the SIC Manual published by the United States of America, Executive Office of the President, Office of Management and Budget and unless a use is defined in this Ordinance, the SIC Manual shall be used to define, clarify or more specifically identify the uses and groups of uses listed. While the SIC Manual uses the term “establishments primarily engaged in” in defining types of manufacturing operations, this Ordinance shall be construed to mean that if the activity is conducted at all within the use and that activity is listed as being conditional, then the entire use shall be deemed a “conditional use” as opposed to a “permitted use”.)

All manufacturing industries (i.e., those industries shown in the SIC Manual under Division D, and including Major Groups 20-39), except those listed below, shall be considered as being a Class 1 Manufacturing Goods Use:

- Meat packing plants and poultry dressing plants (SIC#2011, 2013, 2015)
- Pickled fruits and vegetables(SIC #2035)
- Flour and other grain mill products, sugar refining (SIC#2041, 2061, 2062, 2063)
- Animal feeds and pet foods (SIC#2047, 2048)
- Fats and oils (SIC Group #207)
- Beer/malt beverages (other than microbreweries), wines, brandy, distilled and blended liquor, roasted coffee (SIC# 2082, 2083, 2084, 2085, 2095)
- Processing and packing of canned, cured, fresh, or frozen fish and seafood (SIC# 2091, 2092)
- The following manufacturing listed under SIC #2099:
  - (a) Yeast
  - (b) Molasses and sweetening syrups
  - (c) Vinegar
- Tobacco products (SIC Major Group #21)
- Coated fabrics, rubberized and not rubberized; canvas and related products (SIC #2295, 2394, 3069)

- Wood Building and mobile homes, including manufactured housing (SIC Group #245)
- Wood preserving; reconstituted wood products; pulp mills; paper mills; paperboard mills; (SIC #2491, 2493; SIC Groups 262 & 282)
- Industrial inorganic chemicals; Plastic materials, synthetic resins and rubber, cellulosic and other manmade fibers, except glass (SIC Groups #281 & #282)
- Soaps, detergents and cleaning preparations; perfumes, cosmetics, and other toilet preparations (SIC Group #284)
- Paints, varnishes, lacquers, enamels and allied products (SIC Group #285)
- Industrial organic chemicals; agricultural chemicals (fertilizers, pesticides, etc.) (SIC Groups #286 & 287)
- Miscellaneous chemical products (all products listed under SIC Group #289) (e.g., adhesives, sealants, explosives, printing ink, carbon black, and “other chemical and chemical preparations” listed in SIC #2899)
- Petroleum refining (SIC Group #291)
- Asphalt paving and roofing materials (SIC Group #295)
- Lubricating oils and greases (SIC Group #2992)
- Products of petroleum and coal classified under SIC #2299
- Tires and inner tubes (SIC Group #301)
- Plastic products found under SIC Group #308 when resins are made at the same facility.
- Leather tanning and finishing (SIC Group #311)
- Flat glass; glass and glassware; (SIC Groups #321 & #322)
- Cement, hydraulic (SIC Group #324)
- Structural clay products (SIC Group #325)

- Pottery and related products (SIC Group #326) except handmade pottery and arts and crafts operations involving no more than 1,000 cubic feet of kiln space
- Concrete gypsum plaster products; cut stone and stone products (SIC Groups #327 & 328)
- Abrasive products; asbestos products; mineral wool; (SIC #3291, 3292, 3296)
- Minerals and earth's, ground or otherwise treated (SIC #3295)
- Non-clay refractories (SIC #3297)
- Miscellaneous nonmetallic mineral products listed under SIC Code #3299
- Steel works, blast furnaces, and rolling and finishing mills; iron and steel foundries; primary and secondary smelting and refining of nonferrous metals; rolling, drawing and extruding of nonferrous metals; nonferrous foundries (other than when such activities are incidental to the manufacture of other products on premises); (SIC Groups #331, 333, 334, 335, 336)
- Metal heat treating; metal forging-iron, steel and nonferrous; coating and engraving of metals and allied services (SIC #3398, 3462, 3463 and SIC Group #347)
- Manufacture of other primary metal products listed under Sic #3399
- Manufacture of ordnance (arms, ammunition, etc.) and accessories except vehicles and guided missiles (SIC Group #348)
- Electrical industrial carbon and graphic products (SIC #3624)
- Storage batteries; primary batteries, dry and wet (SIC #3691, 3692)
- Under SIC #3861-all photographic supplies but not photographic equipment
- Under SIC #3952 all inks, paints, oils, enamels, and crayons
- Carbon paper and inked ribbons (SIC #3955)
- Linoleum, asphalt-felt-base, and other hard surface floor covering listed under (SIC #3996)

- Mining (all of SIC Division B)

#### Manufactured Home

A residential dwelling unit that: (i) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and (ii) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty feet in length and eight feet in width. A manufactured home may also be referred to as a “mobile home”. Such manufactured homes shall meet each of the following criteria:

- a. The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths (2.2) feet for each twelve (12) feet of horizontal run; the roof is finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of gloss white paint; the roof has an overhang (eave) extending at least six (6) inches from each vertical exterior wall. A site installed gutter may be counted in the width of the eave.
- b. The manufactured home was constructed after July 1, 1976 and meets or exceeds the standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction.
- c. A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and within sixty (60) days.
- d. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.
- e. The manufactured home is set up on the site in accordance with the standards set by the N.C. Department of Insurance (i.e., Building Code).
- f. Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the NC Dept. of Insurance, attached firmly to the primary structure and anchored securely to the foundation
- g. The manufactured home is oriented on the site in such manner that the side having the main entrance, and by design intended to be the front of the manufactured home, is generally parallel to a public street abutting the site.



- h.* The manufactured home has a length not exceeding four times its width, with the length measured along the longest axis and width measured at the narrowest part of the other axis.
- i.* The manufactured home has a minimum of 1,200 square feet of enclosed and heated living area.
- j.* The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint), wood or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction.

Manufactured Home Park ( Mobile Home Park)

Any lot of premises owned by one or more persons where two or more manufactured homes are parked for living and sleeping purposes, or a premises used for or set apart for the purpose of supplying to the public parking space for two or more manufactured homes for living and sleeping purposes.

Manufactured Home Space

A plot of land within a manufactured home park designed for the accommodation of one manufactured home along with surrounding yards or open space for the use of the residents of that home.

Mini-Warehouse

A structure containing separate storage spaces that are used for storage purposes only and are rented or leased on an individual basis.

Modular Home

A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code (Uniform Residential Code for one and two-family dwellings) and composed of components substantially assembled in a manufacturing plant and transported to the building site on a transport carrier (this includes all wheels, axles, and metal frame work used for support in transporting the home to the building site) that shall be removed from the building site when the structure is placed on a permanent foundation. A modular home shall be deemed to be a single-family dwelling as defined in this Ordinance.

Nonconforming Lot

Any lot of record that does not meet the minimum yard or area requirements established in these regulations at the time of this Ordinance's adoption or any amendment thereto.

Office

A room or group of rooms used for the indoors conduct of a business, profession, service, industry or government where retail trade is not conducted.

### Open-Air Storage

An unroofed area or a structure with a roof but no walls used for the storage of bulk materials or discarded items but not including items and non-bulk materials openly displayed for the purpose of retail sale.

### Pawn Shop

A shop where money is lent on the security of personal property pledged. Such property may then later be sold at the shop.

### Pharmacy

A retail store which sells prescription drugs and which may also sell other items at the retail level. Prescription drugs may also be sold in department stores, variety stores and food stores but such a store shall not be deemed to be a “pharmacy”.

### Premises

A parcel of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map or subdivision map. When a lot is used together with one or more contiguous lots for a single use or unified development, all of the lots so used, including any lots used for off-street parking, shall be considered a single premises for purposes of these regulations.

### Produce Market

The sale of any form of agricultural or horticultural products at a free-standing retail permanent enclosed structure.

### Recreation Center

Public or private health or exercise clubs, tennis or other racquet ball courts, swimming pools, YMCA’s, YWCA’s or similar uses which constitute principal uses and are primarily enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. “Indoor recreation” structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

### Recreation Facility

A tract of land, owned and operated by a public entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example of such a facility shall include a public park. The term shall not include the terms “racetrack”, “outdoor firing range”, “stadiums”, “amphitheaters”, “amusement park”, “baseball hitting ranges”, “country club”, or “golf course”.

### Restaurant

A commercial establishment other than a fast food restaurant where food and drink are prepared, served and consumed primarily within the principal building. Restaurants serving alcoholic beverages shall also qualify as a “restaurant” according to the North Carolina General Statutes as related to ABC permits.

### Restaurant, Fast Food

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises, or off-premises.

### Right-of-Way

An area of land occupied or intended to be occupied by a railroad or public road, including areas offered for dedication to the public for such purpose, areas claimed for such purposes, or actually used for such purposes.

### Second-Hand and Consignment Shop

A retail establishment where clothes, furniture, and other household goods are sold to the general public on a consignment, retail, or not-for-profit basis. A “pawn shop” shall not be considered as being a “second-hand shop”.

### Setback, Side

That portion of the side yard that shall remain unoccupied and unobstructed from the ground upward except as may be permitted in this Ordinance.

### Shopping Center

A group of three or more commercial establishments planned, constructed and developed in one or more phases with customer and employee parking and merchandise and other loading facilities provide on-site. A shopping center may be located and developed on one (1) or more lots and may include one (1) or more principal buildings.

### Street

A dedicated and accepted public right-of-way or a private road, drive or way for vehicular traffic that affords the principal means of access to abutting properties.

### Structure

A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above or below the surface of land or water.

### Structure, Accessory

A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

### Variance

A relaxation of the strict terms of a specific provision of this Ordinance by the Board of Adjustment in accord with the provisions of Article 12 of this Ordinance.

#### Warehouse

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility, or both, with access to contents only through management personnel.

#### Yard, Front

An open space between a building or structure and the street line of the lot on which the building or structure is located, unoccupied and unobstructed from the ground upward, except by fences or as otherwise provided in these regulations. In measuring a front yard, the horizontal distance between the street line and closest projection of the building shall be used. Every required front yard shall be measured in a parallel manner from the street line.

#### Yard, Rear

A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line and a line parallel thereto and passing through the point of the principal building nearest the rear lot line.

#### Yard, Side

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the die lot line to the closest point of the principal building.

## ARTICLE 5: ESTABLISHMENT OF DISTRICTS

### SECTION 5.1 Zoning Districts

For the purpose of this Ordinance, the Ansonville Zoning jurisdiction is hereby divided into five (5) districts designated as follows:

<b>R-1</b>	<b>Residential District</b>
<b>R-2</b>	<b>Residential District</b>
<b>G-B</b>	<b>General Business District</b>
<b>M</b>	<b>Manufacturing District</b>
<b>R-A</b>	<b>Residential-Agricultural District</b>

### SECTION 5.2 District Boundaries

The boundaries of these districts are hereby established as shown on a map entitled “Official Zoning Map of Ansonville, North Carolina”, adopted by the Town Council and certified by the Town Clerk. Said map and all explanatory matter thereon accompanies and is hereby made part of this Ordinance. Said map shall be retained in the office of the Town Clerk.

### SECTION 5.3 Establishment of Zoning Boundaries; Rules Governing Boundaries

The Map entitled Official Zoning Map of Ansonville, North Carolina, as certified as such by the Town Clerk to the Town Council is hereby declared to be the proper zoning for said districts as of the effective date of this Ordinance.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on for purposes of interpretation of district boundaries as shown on the zoning map, the following rules shall apply:

5.3.1 Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.

5.3.2 Boundaries indicated as approximately following lot lines shall be construed as following such lot lines.

5.3.3 Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits.

5.3.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

5.3.5 Boundaries indicated as parallel to or extensions of features indicated in this section shall be construed as such. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.

5.3.6 Boundaries indicated as following the boundary limits of Ansonville shall be construed as following such boundaries.

## ARTICLE 6: ZONING DISTRICT REGULATIONS

### SECTION 6.1 Table of Uses

The list of uses allowed in each general zoning district is indicated in Table 6-1. For any use listed in this Table, the Zoning Administrator shall be able to determine if the use is (i) permitted, (ii) permitted subject to the adherence of certain identified performance criteria, (iii) permitted subject to the issuance of a conditional use permit, (iv) permitted subject to the issuance of a conditional use permit and also having to meet certain performance criteria, or (v) not permitted. Table 6-1 is found immediately after this page.

A use shall be permitted in a certain zoning district if it is accordingly designated in Table 6-1 with a “X”. A use permitted subject to certain performance criteria that would not be applicable to other uses is designated by a “XS”. A “C” indicates a use that is subject to the issuance for a conditional use permit. If performance criteria pertain to a certain conditional use, this would be indicated by a “CS”. If a use does not have a “X”, “XS”, “C”, or “CS” designation in a particular zoning district, that use shall not be allowed in that zoning district.

Supplemental regulations for certain uses listed in Table 6-1 are found in Section 6.2 of this ordinance and follow the Table of Uses (i.e., Table 6-1).

### SECTION 6.2 Supplemental Use Regulations

The following performance criteria and/or supplemental regulations shall pertain to the various uses listed in Table 6-1. If otherwise listed, these regulations shall be applicable in all districts in which the individual uses are allowed. For any use that requires the issuance of a conditional use permit, the performance criteria listed herein may be in addition to any other fair and reasonable conditions placed on such use by the Town Council. Such conditions may impose greater restrictions on a particular use than those that are listed therein.

#### 6.2.01 Church/House of Worship

1. A single-family residential use, occupied by the pastor, priest, rabbi, etc. of the facility, may be placed on the lot containing the church/house of worship. Said structure shall meet all setback requirements for single-family dwellings for the zoning district in which the lot is located. Said structures may not be used for day care facilities.
2. Any church having a sanctuary capacity of five hundred (500) or more seats shall be located on and have direct access to a major or minor thoroughfare.

3. A conversion of a dwelling unit into a church/house of worship shall be a conditional use.

#### **6.2.02 Manufactured Home**

**See the Town of Ansonville's Manufactured Home Ordinance  
Adopted on \_\_\_\_\_**

#### **6.2.03 Animal Kennels**

Any structure which houses animals which is not fully enclosed, and all animal runs shall be located at least one hundred (100) linear feet from any lot line and three hundred (300) linear feet from any pre-existing principal residential structure located on an adjacent lot.

#### **6.2.04 Automobile Body Shop**

1. If located adjacent to a Residential (R) zoning district, the hours of operation to customers may be from 7:00 a.m. to 9:00 p.m. only. This shall not apply in the case of lots containing this use which are separated from such R-zoned lots by a major or minor thoroughfare.
2. All work must take place indoors.

#### **6.2.05 Telecommunication Towers and Facilities**

1. In recognition of the Telecommunications Act of 1996, it is the intent of the Town of Ansonville to allow communication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Ansonville. Wireless towers may be considered undesirable with other types of uses, most notably residential, therefore special regulations are necessary to ensure that any adverse affects to existing and future development are mitigated.
2. All towers shall be of a monopole design and construction in all districts except the M district. Lattice design may be used in the M district. A variance to the type of tower design may be granted if the applicant can prove it is required for structural integrity. If a permit is issued for a tower that must be higher than 199.9 feet, the provider should explore means for "stealth" antennae locations. This includes antennae in a structure or building disguised to look like something else (i.e. steeples, bell towers, etc.).



3. The maximum allowable height of a tower is 125 feet. No variance to the height may be granted unless the applicant can prove the maximum height will not allow for the provision of adequate service levels (i.e. cannot meet reasonable service coverage area) or if the increased height is related to co-location.
4. It is the intent of the Town to encourage providers to co-locate facilities in an effort to reduce the number of telecommunication towers in Ansonville's jurisdiction. The Town may require providers to negotiate in good faith with other providers' space at a reasonable lease cost, and to publicize the fact that space is available on a lease basis as part of the conditional use process. No tower may be located within 1,500 linear feet of an existing tower unless the applicant can prove that co-location is not a viable option.
5. Where a telecommunication tower is located on a lot with an existing principal use, the tower shall be located in the rear yard only. In addition, an access road at least twelve (12) feet wide shall be maintained from a public street to the tower for use by service and emergency vehicles. A minimum separation of twenty (20) feet is required between structures.
6. The Town of Ansonville recognizes that a tower cannot be prohibited nor can a conditional use permit be denied on the basis of environmental or health concerns relating to radio emissions if the tower complies with the Federal Radio Frequency Emission Standards. The Town requires that the applicant must provide documentation proving that the proposed tower does comply with all applicable Federal Radio Frequency Emission Standards.
7. Wherever feasible, all accessory structures on the ground which contain switching equipment or other related equipment must be designed to closely resemble the neighborhood's basic architecture, or the architecture and style of the principal use on the property.
8. An opaque screen shall be required along all sides of the perimeter of the telecommunication tower site. In addition, a minimum eight foot high fence is required immediately around the tower and any equipment building(s), with the screening to be located on the outside of the fenced area. It will be the responsibility of the provider to keep all landscaping material free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property, and any tenant on the property where screening is required, shall be jointly and severally responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the screening shall be replaced in the event it dies.

9. Telecommunication towers can be denied on the basis of negative influence on property values or on aesthetic concerns provided that there is evidence to prove the impact on adjacent property owners will be significant. The Town Council must clearly state the reasoning and available evidence of the impact on adjacent property values if the request is denied on this basis.
10. A minimum setback requirement, on all sides of the property, shall be 150 feet or one and one-half (1.5) feet for every one (1) foot of actual tower height (i.e. a 120 foot tower would require a 180 foot setback), whichever is greater.
11. Towers having a height of 199.9 feet or less shall not contain lights or light fixtures at a height exceeding fifteen (15) feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or accessory uses to reduce the affect of glare.
12. Towers and related facilities must be removed if abandoned (no longer used for its original intent) for a period greater than ninety (90) consecutive days. The Town may request a surety bond from the owner to ensure the financing is available to remove the tower.
13. Any replacement or improvement to an existing telecommunication tower, including if the tower is blown over or considered inoperable, requires the provider to apply for a new review and approval process by the Planning Board and Town Council. Normal maintenance and repair of the structure can be completed without the issuance of a new permit at the discretion of the Zoning Administrator.
14. The provider must show proof of adequate insurance coverage for any potential damage caused by or to the tower prior to the issuance of a conditional use permit or zoning permit.
15. Outdoor storage of equipment or other related items is prohibited.
16. The Town encourages the placement of telecommunication towers on existing water towers whenever feasible. No freestanding tower may be located within 3,000 linear feet (as measured using the shortest straight-line distance between each tower) of a water tower unless the applicant can prove that locating on the water tower is not feasible.

17. All applicants for a Conditional Use permit for a telecommunication tower must include the following information in addition to any other applicable information contained in the Zoning Ordinance:

- Identification of intended provider(s);
- Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user, if applicable;
- A statement from the owner indicating intent to allow shared use of the tower and how others will be accommodated, if applicable;
- Documentation that the telecommunication tower complies with the Federal Radio Frequency Emission Standards;
- Documentation that the towers over 125 feet are necessary for a minimal level of service; and
- Screening, if applicable, must be shown on the site plan detailing the type, amount of plantings, and location.

#### **6.2.06 Customary Home Occupations**

Customary home occupations may be established in any dwelling unit. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the district in which such uses are located:

1. The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.
2. No accessory buildings or outside storage shall be used in connection with the home occupation (except as permitted in #8).
3. Use of the dwelling for the home occupation shall be limited to twenty-five percent (25%) of the area of the principal building.
4. Residents of the dwelling may only be engaged in a home occupation or otherwise report to work at the dwelling.
5. No external alterations inconsistent with the residential use of the building shall be permitted.

6. Only vehicles used primarily as passenger vehicles (e.g., automobiles, vans and pick-up trucks) shall be permitted in connection with the conduct of the customary home occupation.
7. Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling shall be prohibited.
8. Customary home occupations may be conducted in an accessory building subject to the issuance of a Conditional Use Permit by the Town Council.
9. All home occupations shall be conducted between the hours of 7:00 a.m. and 9:00 p.m. only.
10. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation shall be provided off the road right-of-way.

**6.2.07 Family Home Care (Group Home)**

1. A family Care Home may not be located within one-half (1/2) mile of an existing similar structure.

**6.2.08 Junk Yards, Automobile Salvage Yards**

1. Outside storage of all junked material shall be at least one-hundred (100) feet from all exterior lot lines.
2. A minimum lot area of two (2) acres is required.
3. The junkyard must have direct access to a major thoroughfare.
4. A minimum 8 foot high fence is required around all Junk Yards & Salvage Yards

**6.2.09 Manufactured Home Parks**

Placement of New or Expanded Existing Manufactured Home Parks shall not be permitted.

## **SECTION 6.3**      Schedule of District Regulations

The following requirements shall be applicable to each use in the various zoning districts unless otherwise specified in this Ordinance.

### **6.3.1**    Residential – R-1

The regulations for this district are intended to provide for quiet, medium density residential neighborhoods consisting of single and two family residences and low density multifamily units along with limited home occupations and limited public and private community uses. It should be noted that the majority of this district has town water and sewer service.

1.      **Permitted and Conditional Uses:** (See Table 6.1 and Section 6.2) The following uses shall be permitted by right:

Single family residences limited to site built & modular residences.

Two family residence, limited to site built residence, provided that each dwelling unit has a minimum lot area of 22,000 square feet.

2.      **Dimensional Requirements for all Principal Buildings** (except Essential Services Class 1 and 2):

A.      Minimum Required Lot Area: 22,000 square feet

B.      Minimum Required Lot Width: 110 feet

C.      Minimum Required Front Yard: 40 feet

D.      Minimum Required Side Yard: 10 feet  
(except when the side yard abuts a public street, then the setback is 20 feet)

E.      Minimum Required Rear Yard: 30 feet

F.      Maximum Building Height: 35 feet

3.      Accessory Building: Refer to section 7.8

### **6.3.2**    Residential R-2

The regulations for this district are intended to provide for quiet, medium density residential neighborhoods consisting of single and two family residences and low density multifamily units along with limited home occupations and limited public and private community uses. It should be noted that the majority of this district has town water and sewer service

1. **Permitted and Conditional Uses:** (See Table 6.1 and Section 6.2)  
The following uses shall be permitted by right:

Single family residences including site built residences as well as manufactured and modular housing units that have been built in conformance to the North Carolina Residential Building Code.

Two family residences provided that each dwelling unit has a minimum lot area of 22,000 square feet.

2. **Dimensional Requirements (Principal Buildings)**  
(except Essential Services Class 1 and 2):

- A. Minimum Required Lot Area: 22,000 Square feet
- B. Minimum Required Lot Width: 110 feet
- C. Minimum Required Front Yard: 40 feet
- D. Minimum Required Side Yard: 10 feet  
(except when the side yard abuts a public street, then the setback is 20 feet)
- E. Minimum Required Rear Yard: 30 feet
- F. Maximum Building Height: 35 feet

3. **Accessory Buildings:** Refer to Section 7.8

### **6.3.3** G-B General Business District

The regulations of this district are intended to provide from the retailing of goods and services to the nearby residential areas of Ansonville.

1. **Permitted and Conditional Uses:** See Table 6-1 and Section 6.2
2. **Dimensional Requirements (Principal Buildings)**
  - A. Minimum Required Lot Area: 15,000
  - B. Minimum Required Lot Width: 75 feet
  - C. Minimum Required Front Yard: 30 feet

- D. Minimum Required Side Yard: 10 feet  
(except when the side yard abuts a Residential District, then the side yard shall be 25 feet)
  - E. Minimum Required Rear Yard: 20 feet  
(except when the rear yard abuts a Residential District, then the setback is 25 feet)
  - F. Maximum Building Height: 35 feet
- 3. **Accessory Buildings:** Refer to Section 7.8
  - 4. **Screening:** Screening shall be provided in accordance with Section 7.4

**6.3.4** M Manufacturing District

These commercial and light industrial uses are generally located along major highways and roads. They dispense retail goods and services to the community and provide space for light manufacturing and warehousing activities.

- 1. **Permitted and Conditional Uses:** See Table 6-1 and Section 6.2
- 2. **Dimensional Requirements (Principal Buildings)**
  - A. Minimum Required Lot Area: None
  - B. Minimum Required Lot Width: None
  - C. Minimum Required Front Yard: 50 feet
  - D. Minimum Required Side Yard: 15 feet  
(except when the side yard abuts a Residential District, then the minimum side yard is 25 feet)
  - E. Minimum Required Rear Yard: 15 feet  
(except when the rear yard abuts a Residential District, then the minimum rear yard is 25 feet)
  - F. Maximum Building Height: 35 feet
- 3. **Accessory Buildings:** Refer to Section 7.8
- 4. **Screening:** Screening shall be provided in accordance with Section 7.4

### 6.3.5 R-A Residential-Agricultural District

This district is established to provide areas for low-density residential or agricultural, farm type, purposes. Minimum lot size will depend on the provision of public water and sewer facilities.

Residential uses permitted in this zoning district are single-family dwelling and isolated manufactured homes. In addition, a limited number of non-residential and agricultural uses are allowed in this district which are not permitted in other residential districts contained in this Ordinance. Some of these uses, which could potentially have a substantial effect upon adjoining properties, are subject to the issuance of a conditional use permit by the Town Council.

1. **Permitted and Conditional Uses:** See Table 6-1 and Section 6.2
2. **Dimensional Requirements (Principal Buildings)**
  - A. Minimum Required Lot Area: 44,000 Square feet
  - B. Minimum Required Lot Width: 200 feet
  - C. Minimum Required Front Yard: 50 feet
  - D. Minimum Required Side Yard: 15 feet  
(except when the side yard abuts a Residential District,  
then the minimum side yard is 25 feet)
  - E. Minimum Required Rear Yard: 15 feet  
(except when the rear yard abuts a Residential District,  
then the minimum rear yard is 25 feet)
  - F. Maximum Building Height: 35 feet
3. **Accessory Buildings:** Refer to Section 7.8
4. **Screening:** Screening shall be provided in accordance with Section 7.4



## ARTICLE 7: GENERAL PROVISIONS

### Section 7.1 Application

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified, or amended thereto, for the district in which it is located.

### Section 7.2 Reduction of Lot and Yard Areas Prohibited

No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening or similar public uses. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

### Section 7.3 Relationship of Building to Lot

Every building hereafter erected, moved, or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, commercial or industrial buildings in an appropriate zoning district, (i.e., school campus, shopping center, industrial park) as permitted in this Ordinance.

### Section 7.4 Screening

The following screening requirements shall be provided as set forth in this Article or as may otherwise be required for a use or situation as required by this Ordinance.

Any non-residential use located in either the G-B or M District and located on property abutting any R-1, R-2, or R-A District, unless separated by a public street or railroad right-of-way, all provide screening as described below. Such screening shall be provided along the full length of any common property line and shall be maintained as long as the conditions requiring the original installation exists, even if active operations cease.

The requirement for the installation of screening shall be initiated by the occurrence of any one or more of the following activities on the nonresidential property:

- A. The initial use, development or occupancy of the non-residential property;
- B. Any change in use or occupancy of the non-residential property which results from a change in the zoning classification of the nonresidential property; and/or,

- C. Any building expansion that increases the floor area of the nonresidential use by more than ten (10) percent.

The screening shall be provided by the non-residential use even if the abutting residentially zoned land is vacant.

**7.4.1 Screening Requirements**

A screen that is at least ninety (90) percent opaque from the ground to a height of at least six (6) feet is required. The screen is intended to exclude completely all visual contact between uses and to create a strong impression of special separation. The screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation.

**7.4.2 Relief to Screening and Buffer Requirements**

In the event that the unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and maintain the required screen and buffer, the Town Council may alter the requirements of Section 7.4 provided the spirit and intent of Section 7.4 are maintained.

**Section 7.5 Fences or Wall Permitted**

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

**7.5.1 In the R-1 or R-2 District**

- A. When fences or wall are installed in a required front or side yard, the maximum height of a fence or wall shall be five (5) feet. When such fence of wall is installed in a required side or rear yard, it shall not exceed eight (8) feet in height.
- B. No electrical or wire fences shall be permitted.

**7.5.2** In All Other Districts

- A. Maximum fence or wall height shall be twelve (12) feet.
- B. No electrical fences shall be permitted, except in the R-A district

**Section 7.6** Lot to Abut a Dedicated Street

No lots may be created after the effective date of this Ordinance which do not have at least 30 feet of dedicated street right-of-way frontage except as follows:

- 7.6.1** A lot not having 30 feet of dedicated street right-of-way frontage may be created if located entirely within a planned shopping center or office park.
- 7.6.2** A single-family residence (including a manufactured home or modular home) may be constructed on a lot which was recorded on or before the effective date of this Ordinance which does not abut a dedicated street right-of-way provided the lot is given access to a dedicated street by an easement at least twenty (20) feet in width for the use of the dwelling established on such lot and further provided that such easement is maintained in a condition passable for automobiles and service and emergency vehicles. This easement may not be extended to provide access to any other lots or to any other residence not having frontage on a dedicated street.

**Section 7.7** One Principal Building

No more than one principal structure devoted to a residential use shall be permitted on a lot, except as part of a multi-family development.

**Section 7.8** Accessory Structures and Uses

Accessory structures, except as otherwise permitted in this section, shall be subject to the following regulations:

- 7.8.1** Where the accessory structure is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this section applicable to the principal structure.
- 7.8.2** Accessory structures (excluding private garages, mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and other accessory structures under fifteen (15) square feet or less in gross floor area), shall not be erected in any front yard. Other detached accessory buildings may be located in the rear or side yards, except no such structure shall be located closer than five (5) feet from any rear or side yard line.

- 7.8.3** Mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and other accessory structures under fifteen (15) square feet or less in gross floor area shall not require the issuance of a zoning permit.
- 7.8.4** On any lot containing a principal residential use, no accessory structure shall be permitted that involves or requires any external construction features that are not primarily residential in nature or character.
- 7.8.5** An accessory building may not exceed fourteen (14) feet, or one-story in height in residential districts and may not exceed the height of the principal structure in non residential districts. Accessory buildings or structures, shall be permitted only in a rear yard and shall be not less than ten (10) feet from any property line, and further provided that in the case of corner lots, such buildings or structures shall be set back at least twenty-five feet from any side street right-of-way line.

**Section 7.9** Use of Manufactured Homes and Similar Structures

A structure constructed as a manufactured home may only be used as a residential structure, except when serving as a manufactured home sales office for a subdivision development. In no other instance may a manufactured home be used for any other non-residential purposes.

**Section 7.10** Height Limitations and Exceptions

For purposes of this Ordinance, the height of a structure shall be the vertical distance measured from the mean elevation of the finished grade at the front of the structure to the highest point of the structure.

The maximum heights as indicated in the various districts may be exceeded for the following uses:

Roof equipment not intended for human occupancy and which is accessory to the structure upon which it is placed, such as skylights, transmissions or television towers, housing for elevators, stairways, water tanks, ventilating fans, air conditional equipment or similar equipment, steeples, flag poles, spires, belfries, cupolas or chimneys, radio and television antennae, or smokestacks.

**Section 7.11** Construction Begun Prior to Adoption of Ordinance

Nothing in this Ordinance shall be deemed to require any change in the plans, construction or designed use of any building or structure upon which a building permit was secured prior to the adoption of this Ordinance, so long as said building permit remains valid.

**Section 7.12** Uses Not Expressly Permitted or Conditional

No building or structure, sign or land shall hereafter be used, erected or occupied and no building or structure shall be erected, expanded or moved except in conformity with the regulations of this Ordinance. This Ordinance specifies uses that are allowed in each zone.

Uses designated as “permitted uses” are allowed in a zone as a matter of right. Uses designated as “conditional uses” are allowed only after approval by the Town Council.

It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in Ansonville. In order to provide for such changes and contingencies, a determination may be made by the Zoning Administrator as to the appropriate classification of any new or unlisted form of land use that is substantially similar to any listed use as identified in Article 4. Such determination shall be made by the Zoning Administrator in a manner that upholds the spirit and intent of this Ordinance.

Certain uses pre-existing the adoption of this Ordinance are allowed to remain as non-conforming uses in accordance with Article 8 of this Ordinance. Unless a use is allowed or deemed to be a “permitted” or “conditional” use or such use is a “nonconforming use”, all other uses are expressly prohibited in that zone by this Ordinance.

**Section 7.13** Parking of Commercial Vehicles

No lot in a R-1 or R-2 district may be used as the base of operation for any freight hauling truck. In addition, the overnight parking of commercial vehicles on a regular basis in the R-1 or R-2 district shall be limited to school buses, vans and pick-up trucks (if no greater than 5,000 pounds.)

## **ARTICLE 8: NONCONFORMITIES**

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

### **Section 8.1**    Continuation of Nonconforming Uses and/or Structures

Nonconforming uses and structures that were otherwise lawful on the effective date of this Ordinance may be continued, subject to the restrictions and qualifications set forth in the following sections or by other provisions in this Ordinance.

### **Section 8.2**    Non-Conforming Lots of Record

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

### **Section 8.3**    Extension or Enlargement of Non Conforming Situations

- 8.3.1** Except as specifically provided in this Section, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a non-conforming situation.
- 8.3.2** A non-conforming use may be extended through any portion of a completed building that, when the use was made non-conforming by this Ordinance, was originally designed or arranged to accommodate such use. However, a non-conforming use may not be extended to additional buildings or to land outside the original building.
- 8.3.3** A non-conforming use may not be extended to cover more land than was occupied, or originally designed and arranged to be occupied by that use when it became non-conforming.

- 8.3.4** Minor repairs to and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost less than sixty percent (60%) of the taxed value of the structure to be renovated may be done provided that the work will not result in a violation of any other paragraphs of this Subsection. In no case, however, shall work costing more than sixty percent (60%) of the taxed value of the structure be done, singularly or cumulatively, within any five (5) year period.

**Section 8.4** Reconstruction Prohibited

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

Notwithstanding the above, a non-conforming residence and its related accessory buildings, either jointly or singularly, may be reconstructed without regard to the extent of damage in any case where the damage is caused by fire, flood, act of nature or any other cause outside the control of the owner and provided that a permit for reconstruction is obtained within one-hundred and eighty (180) days of such damage. A non-conforming manufactured home, however, may only be replaced with a conforming manufactured home (as defined in Section 4.2)

**Section 8.5** Change in Kind of Non Conforming Use

- 8.5.1** A non-conforming use may be changed to a conforming use. Thereafter, the property may not revert to a non-conforming use.
- 8.5.2** If a non-conforming use and a conforming use, or any combination of non-conforming uses exist on one lot, the use made of the property may be changed only to a conforming use.

**Section 8.6** Discontinuance of Non Conforming Uses

- 8.6.1** When active operation or occupancy of a non-conforming use is discontinued regardless of the purpose or reason for a consecutive period of one hundred eighty (180) days, the property involved may thereafter be used only for conforming uses.

- 8.6.2** For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this Subsection, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment building for one hundred eighty (180) days shall not result in a loss of the right to rent that apartment thereafter so long as the apartment building as a whole is continuously maintained.

**Section 8.7** Replacement of Non Conforming Manufactured Homes

- 8.7.1** Individually established non-conforming manufactured home (not located within a manufactured home park) may be replaced provided that the new manufactured home is a conforming manufactured home (see definition in Section 4.2) and the manufactured home meets all applicable specifications of Section 6.2.02 of this Ordinance.
- 8.7.2** Any abandoned non-conforming manufactured home (either on an individual lot or within a manufactured home park) shall be removed within two (2) years after the effective date of this Ordinance.

**Section 8.8** Non Conforming Junkyard and Automobile Salvage Yard

Any non-conforming junkyard and/or automobile salvage yard shall be removed within two (2) years after the effective date of this Ordinance.



## **ARTICLE 9: CONDITIONAL USES**

### **Section 9.1**    Conditional Uses

This Ordinance provides for a number of uses to be located by right in each general zoning district subject to the use meeting certain area and yard requirements. In addition to these uses, the Ordinance allows some uses to be allowed in these districts on a conditional basis subject to the issuance of a conditional use permit by the Town Council. The purpose of having such uses being “conditional” is to ensure that they would be compatible with surrounding development and in keeping with the purposes of the general zoning district in which they are located and would meet other criteria as set forth in this Chapter.

### **Section 9.2**    Procedures

- 9.2.1** A conditional use permit application shall be filed with the Zoning Administrator. The application shall be accompanied by a site plan, drawn to scale and necessary supporting text that shall include the following information:
- A. Name, address and phone number of the property owner (or his agent) and the tax parcel number of the property. (Note: The property owner or his authorized agent are the only two parties who may initiate a request for a conditional use permit.)
  - B. A boundary survey and vicinity map, showing the property’s total acreage, zoning classification(s), general location in relation to adjoining streets, railroads and/or waterways; date and north arrow.
  - C. The owners’ names and addresses, tax parcel numbers and existing land use(s) of all adjoining properties.
  - D. Proposed use of all land and structures including the number of residential units (if applicable).
  - E. Proposed number and location of all structures, their approximate area and their approximate exterior dimensions.
  - F. A description of all screening and landscaping required by these regulations and/or proposed by the applicant.
  - G. All existing easements, reservations and rights-of-way.
  - H. Proposed phasing, if any, and approximate completion time for the project.

- I. Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) Flood Hazard Boundary Maps for Anson County.
- J. Traffic, parking and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.

**9.2.2** In the course of evaluating the proposed use, the Planning Board and the Town Council may request additional information from the applicant. A request for such additional information shall stay any further consideration of the application. This information may include (but shall not be limited to) the following:

- A. Storm water drainage plan.
- B. The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development.
- C. A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. The traffic impact study shall include the following information:
  - 1. Existing traffic conditions within the study area boundary.
  - 2. Traffic volume generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual daily traffic levels.
  - 3. The distribution of existing and proposed trips through the street network.
  - 4. Analyses of the capacities of intersections located within the study area boundary.
  - 5. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and
  - 6. Other pertinent information, including but no limited to accidents, noise, and impacts of air quality and other natural resources.
  - 7. An environmental impact statement which contains the following information:

- a. A cover sheet which provides, in summary form, a description of the proposed project; and,
- b. A statement of purpose and need of the project; and,
- c. For projects proposed by public entities, a list of alternatives of the proposed project; and,
- d. A succinct description of the environment affected by the project; and,
- e. A discussion of short and long term consequences of the project on the environment including an adverse environmental impacts which cannot be avoided; and,
- f. A list of means which could be employed to mitigate any negative effects on the environment caused by this project.

**9.2.3** No application shall be deemed complete unless it contains or is accompanied by all items listed in Section 9.2.1 (and as may be required in Section 9.2.2) and a fee, in accordance with a fee schedule approved by the Town Council for the submittal of conditional use permit applications. Each application must include ten (10) copies of the proposed site plan.

**9.2.4** No application will be considered by the Town unless it has been properly completed and submitted to the Zoning Administrator at least 14 days prior to the public hearing.

### **Section 9.3** Public Hearing

Upon receipt of a complete application, the Town shall schedule a public hearing. Notice of said public hearing shall be as follows:

- A. A notice shall be published in a newspaper having general circulation in Ansonville. The first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.
- B. At least one (1) notice shall be conspicuously posted on the subject property at least ten (10) days prior to the public hearing. Such notice shall state the nature of the public hearing and the date, time and location at which it is to be held. The notice shall be removed only after the public hearing has been held.

- C. A notice of the public hearing shall be sent by first class mail by the Town to all contiguous property owners at least ten (10) days prior to the public hearing.

**Section 9.4** Planning Board/Town Council Action

Except as provided herein, a conditional use may not be granted by the Town Council without a recommendation having first been rendered by the Planning Board. Once a complete application has been submitted to the Zoning Administrator, the application shall be placed on the agenda of the next Planning Board meeting occurring no sooner than seven (7) days after the date of application submittal. The Planning Board shall have up to thirty-one (31) days to render a recommendation. If no recommendation is rendered by the end of said thirty-one (31) day period, the application shall be forwarded to the Town Council without a Planning Board recommendation.

A public hearing can be held by the Town Council once a Planning Board recommendation is received or the thirty-one (31) day recommendation period has expired, whichever comes first. Once the Town Council public hearing has been held, the Town Council shall render a decision on the petition. In approving an application for a conditional use permit, the Town Council may attach fair and reasonable conditions to the approval. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. The Town Council may not approve conditions less restrictive than any requirements that would pertain to that particular development found elsewhere in a similar zoning district.

**9.4.1** Burden of Proof

The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions which Sections 9.4.2(B) and (D) of this Ordinance require. If any person submits evidence allegedly contrary to any of the facts or conditions listed in Sections 9.4.2(A) and (C) of this Ordinance, the burden of proof for overcoming such evidence shall rest with the applicant.

**9.4.2** The Town Council shall issue a conditional use permit if it has evaluated an application and determined that:

- A. The use will not materially endanger the public health or safety if located where proposed and developed according to plan, and
- B. The use meets all required conditions and specifications,
- C. The use will not substantially injure the value of adjoining or abutting property unless the use is a public necessity,

- D. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and will be in general conformity with any land development plan and other plans for physical development of the Ansonville area that have been adopted by the Town Council prior to the application.

**Section 9.5** Effect of Approval

If an application for a conditional use permit is approved by the Town Council, the owner of the property shall have the ability to (i) develop the use in accordance with the stipulations contained in the conditional use permit or (ii) develop any other use listed as a “permitted use” for the general zoning district in which it is located.

**Section 9.6** Binding Effect

Any conditional use permit so authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Town Council. However, minor changes in the detail of the approved application which:

- (i) will not alter the basic relationship of the proposed development to adjacent property, and
- (ii) will not increase the gross floor area of any non-residential use by the smaller of ten (10) percent or ten thousand (10,000) square feet, and
- (iii) will not reduce the yards provided at the periphery of the site by greater than five (5) feet may be made with the approval of the Zoning Administrator on a one-time basis only. Further changes to the development may only be made by the Town Council in accordance with Section 9.4 of this Ordinance.

**Section 9.7** Certificate of Occupancy

No certificate of occupancy for a use listed as a conditional use shall be issued for any building or land use on a piece of property which has received a conditional use permit for such particular use unless the building is constructed or used, or the land is developed or used, in conformity with the conditional use permit approved by the Town Council. In the event that only a segment of a proposed development has been approved, the

certificate of occupancy shall be issued only for that portion of the development constructed or as approved.

**Section 9.8** Twelve-Month Limitation on Re-application

If a request for conditional use permit is denied by the Town Council, a similar application for the same property or any portion thereof shall not be filed until the expiration of a twelve (12) month period from the date of the most recent denial by the Town Council. This waiting period shall not be applicable where the application for a conditional use permit is substantially different from the original application.

The term “substantially different” as herein applied shall mean:

1. The proposed principal use is different than the use contained in the original application, or
2. The gross floor area of the proposed development is fifty (50) percent or more smaller than contained in the original application.

**Section 9.9** Change in Conditional Use Permit

Any request to materially change the conditional use permit once it has been issued must first be reviewed by the Town Council. The Town Council may thereafter change or amend any previously approved conditional use permit, only after having held a public hearing. Notice of the public hearing shall be in accordance with Section 9.3 of this Ordinance. Amendment by the Town Council of a previously issued conditional use permit shall be subject to the same considerations as provided for in Section 9.4 of this Ordinance.

**Section 9.10** Implementation of Conditional Use Permit (CUP)

Unless the Town Council issues a conditional use permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit within a twelve (12) month period from date of issuance of the conditional use permit. In addition, if the project for which a CUP was issued is not complete and a valid building permit is not in place at the end of said twelve month period, the Town shall notify the applicant of either such finding, and within sixty (60) days of said notification, the Town Council, after having conducted a public hearing to consider the rescission, may then rescind the conditional use permit, or extend the life of the conditional use permit for a specified period of time. Due notice of said public hearing shall be given as prescribed in Section 9.3 of this Ordinance.

## **ARTICLE 10: AMENDMENTS**

The purpose of this Chapter is to set forth procedures for amending the text of these regulations and the zoning classification of land as shown on the Zoning Map.

### **Section 10.1 Authority**

Upon compliance with the provisions of this Chapter, the Town Council shall have the authority to amend or repeal the text of these regulations and the classification of any parcel of land, as indicated on the Zoning Map.

### **Section 10.2 Initiation**

Any amendment to the Zoning Map may be initiated by the Town Council on its own resolution, by any owner of a legal or equitable interest or agent thereof in the property affected by the amendment, or by a local government agency of Ansonville in accordance with the procedures set forth herein. A petition for an amendment to the Zoning Ordinance text may be submitted by any person.

When considering a petition for the rezoning of property to any district, the Town Council shall not evaluate the petition based on any specific proposal for the use or development of the affected property and the petitioner shall refrain from using any graphic materials or descriptions of the proposed use or development except for those which would apply to any use permitted in the requested district.

### **Section 10.3 Filing of Petitions; Determination of Completeness**

For a re-classification of property proposed by any person or entity other than the Town Council, or for petition to change the text of this Ordinance, such petition shall be on an application form prescribed by the Town and accompanied by the fee established by the Town Council. Said application form and fee shall be filed with the Zoning Administrator. Said application form and fee shall be waived for any petition submitted by any Ansonville official or agency acting on behalf of the Town of Ansonville.

### **Section 10.4 Content of Application**

- 10.4.1** Each noncontiguous parcel of land for which rezoning is requested shall be deemed as a separate application, and said application fee shall accompany each application. For the purpose of this paragraph, land located and adjacent on either side to the rear and all property directly

across any street or public right-of-way from the subject property shall be deemed to be contiguous.

**10.4.2** Each application for a rezoning of land shall be accompanied by two (2) copies of a map, drawn to scale, with the following information either shown on the map or accompanying it:

- a. The subject property plus such additional property as to show the location of the subject property with reference to the nearest street intersection, railroad, stream or other feature easily identifiable on the ground. In addition, all property lines that abut the property, and property owners' names and addresses of all contiguous properties shall be furnished.
- b. If the property is in a subdivision of record, a map of such portion of the subdivision that would relate the subject property to the closest street intersection, and in addition, the name of the subdivision, the names and addresses of all adjoining property owners (as indicated on the most up-to-date tax listings) shall be furnished.
- c. The present and proposed zoning classification of the lot(s) in question.
- d. The property identification number(s) of the lot(s) in question as issued by the Anson County Tax Office.

**10.4.3** An application for a change in the text of the Ordinance shall be made in duplicate, on an application form provided by the Town. The application shall contain a reference to the specific section, subsection, paragraph or item proposed to be changed, as well as the wording of the proposed change, and the reasons therefore.

## **Section 10.5** Submittal and Review Periods

In order for an amendment to the Zoning Ordinance text or map to be made in accordance with this Chapter, a public hearing must first be held by the Town Council. Notification of the public hearing shall be as follows:

**10.5.1** A notice shall be published in a newspaper having general circulation in the Town once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing.



**10.5.2** If a change of zoning on the Zoning Map is requested, the Town Council shall place at least one (1) notice on the subject property (ies) at least ten (10) days prior to the public hearing. Such notice shall state the existing zoning classification and the classification requested by the applicant and the date, time and location of the public hearing. The notice shall be removed only after the public hearing has been conducted and the Town Council has rendered its final decision.

**10.5.3** A notice of a proposed Zoning Map change shall be sent by first class mail by the Town Council to the applicant and to all contiguous property owners.

### **Section 10.6** Planning Board and Town Council Action

No change to the Zoning Ordinance text or map may be made without the Planning Board having first rendered a recommendation on the proposed change. Once a complete application has been submitted to the Zoning Administrator, the application shall be placed on the agenda of the next Planning Board meeting occurring no sooner than seven (7) days after the date of application submittal. The Planning Board shall have up to thirty-one (31) days to render a recommendation. If no recommendation is rendered by the end of said thirty-one (31) day period, the application shall be forwarded to the Town Council without a Planning Board recommendation.

A public hearing can be held by the Town Council once a Planning Board recommendation is received or the thirty-one day recommendation period has expired, whichever comes first. Once the Town Council public hearing has been held, the Town Council shall render a decision on the petition. The decision of the Town Council shall be in the form of any of the various options listed in Subsections 10.6.1 or 10.6.2. The petitioner shall have the right to withdraw his petition at any time prior to the final decision being rendered by the Town Council. The Town Council shall have the authority to call for additional public hearings on any amended petition brought before them.

**10.6.1** A decision by the Town Council concerning a petition for rezoning shall be as follows:

- A. Grant the rezoning as requested, or
- B. Grant the rezoning with a reduction of the area requested, or
- C. Grant the rezoning to a more restrictive general zoning district(s),
- D. Grant the rezoning with a combination of Sections 10.6.1(A)(B) or (C), or
- E. Deny the application

The list of general zoning districts in descending order of restrictiveness shall be:

1. R-1 (most restrictive)
2. R-2
3. R-A
4. G-B
5. M (least restrictive)

**10.6.2** A decision by the Town Council concerning a petition to amend the text of the Ordinance shall be as follows:

- A. Adoption of the amendment as written, or
- B. Adoption of the amendment as revised by the Town Council, or
- C. Rejection of the amendment.

**10.6.3** In case of protest against an amendment, duly signed by the owners of twenty percent (20%) or more either of the area of lots included in such proposed change or of those immediately adjacent thereto, either in the rear thereof or on either side thereof, extending one-hundred (100) feet there from or of those directly opposite thereto extending one-hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the Town Council.

#### **Section 10.7** Notification of Decision

Once a public hearing has been held and closed, and a final determination made by the Town Council, said decision shall be sent by first class mail by the Town to the applicant and any persons at or before the public hearing who have indicated in writing to the Town that they would like the decision mailed to them. Said decision shall be mailed within five (5) working days following the date of decision.

#### **Section 10.8** Re-Submission of Petition

**10.8.1** If the Town Council has denied an application for the rezoning of a piece of property or has approved a rezoning to a general zoning district which is more restrictive than that which was originally requested, the Town shall not consider any applications for the same changes affecting the same property or any portion thereof until the expiration of one (1) year from the date of such previous denial except as provided in Section 10.8.2

**10.8.2** The Town may allow re-submission of such petition within said one (1) year period if it is determined that, since the date of action on the prior petition:

- (a) There has been a significant change in the zoning district classification of an adjacent piece of property; or
- (b) The Town Council has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed;
- (c) Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification; or
- (d) There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one-year restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.

## **ARTICLE 11: ZONING ADMINISTRATION**

### **Section 11.1 Town Council**

The provisions of this Ordinance shall be administered by the Zoning Administrator and any other officials designated by the Town Council for the administration of this Ordinance.

#### **11.1.1 Zoning Inspection: Duties Specified**

If the Zoning Administrator finds that any of the provisions of the Ordinance are being violated, it shall cause notification, in writing, to the owner of the property upon which such violation is located, indicating the nature of the violation and order that necessary actions be taken to correct the deficiency. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings, or structures, removal of illegal buildings or structures or of illegal additions, alterations or structural changes and discontinuance of any illegal work being done. The Zoning Administrator shall take any other action authorized by this Ordinance to insure its compliance.

Additional written notices of violation may be sent by the Zoning Administrator at his discretion. The final written notice (such final notice may be the initial written notice) shall state the action which the Zoning Administrator intends to take if the violation is not corrected and shall advise that the Zoning Administrator's decision may be appealed to the Board of Adjustment in accordance with Section 12.6 of this Ordinance.

### **Section 11.2 Zoning Permit**

No building or structure (except as otherwise for in this Ordinance) shall be erected, moved, extended or enlarged or structurally altered, nor shall any excavation or filling of an lot for the construction of any building be commenced until the Zoning Administrator has issued a zoning permit for such work in accordance with a fee schedule established by the Town Council.

#### **11.2.1 Expiration of Zoning Permit**

Any zoning permit issued in accordance with this Ordinance will lapse and become invalid unless the work for which it was issued is started within six (6) months of the date of issue, or if the work authorized by it is suspended or abandoned for a period of at least one (1) year.

### **11.2.2 Records**

The Town Council shall maintain a record of all zoning permits on file at the Town Hall, and copies shall be made available on request to interested parties.

### **11.2.3 Conditions for Approval**

Zoning permits issued on the basis of dimensional plans approved by the Town authorize only the use, arrangement, and construction set forth in such approved plans and applications. Use, arrangement, or construction that differ from that authorized shall be deemed a violation of this Ordinance and shall be punishable as indicated under Section 11.6 of this Ordinance.

### **11.2.4 Zoning Permit Not Required**

Notwithstanding any other provisions of this Ordinance, no zoning permit is necessary for the following uses:

- (1) street construction or repair
- (2) electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way
- (3) signs
- (4) mailboxes, newspaper boxes, walls, fences, birdhouses, flag poles, pump covers, and doghouses, sheds, and other accessory structures under fifteen (15) square feet of gross floor area.

### **Section 11.3 Certificate of Occupancy**

No structure hereafter erected, moved, structurally altered or changed in use shall be used or occupied until the Anson County Building Inspector has issued a certificate of occupancy. Any certificate of occupancy issued shall state that the structure or portion of a structure is in compliance with the information stated on the zoning permit and with all applicable provisions of this Ordinance. A record of all certificates of occupancy shall be kept on file in the office of the Anson County Building Inspector and copies shall be furnished, on request, to all interested parties. If a certificate of occupancy is denied, the reasons for such denial shall be specified in writing and provided to the applicant.

#### **Section 11.4 Remedies**

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this Ordinance as herein provided, an action for injunction or other appropriate action or proceeding to prevent such violation may be instituted by (i) the Zoning Administrator, (ii) the Anson County Building Inspector, (iii) any other appropriate Town Authority, or (iv) any person who may be damaged by such violation.

#### **Section 11.5 Complaints Regarding Violations**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Zoning Administrator. No action shall be taken by the Zoning Administrator until such written complaint is filed.

#### **Section 11.6 Penalties**

Any person, firm or corporation convicted of violation the provisions of this Ordinance shall, upon conviction, be guilty of a misdemeanor. Each day of violation shall be considered a separate offense, provided that the violation of this Ordinance is not corrected within ten (10) days after notice of said violation is given.

In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to North Carolina General Statute 160A-175, the regulations and standards in this Ordinance may be enforced through the issuance of civil penalties by the Town.

Subsequent citations for the same violation may be issued by the Town if the offender does not pay the citation (except as otherwise provided in a Warning Situation) after it has been issued unless the offender has sought an appeal to the actions of the Town or its representative through the Board of Adjustment. Once the ten-day warning period has expired, each day that the violation continues shall subject the violator to an additional civil citation of fifty dollars (\$50).

If the offender fails to pay the civil penalties within five (5) days after having been cited, the Town may recover the penalties in a civil action in the nature of debt. In addition, pursuant to North Carolina General Statute 160A-175, the Town may seek a mandatory or prohibitory injunction and an order of abatement commanding the offender to correct the unlawful condition upon or cease the unlawful use of the subject premises.

**Section 11.7 Early Vesting of Development Rights Upon Approval of Site Plan**

Pursuant to G.S. 160A-385.1 and notwithstanding any other provision of this Ordinance or amendment thereto, a landowner may apply for a site specific development plan approval which shall entitle said landowner to develop property in accordance with said site specific development plan. The procedure for establishing a vested right is set forth in this section.

**11.7.1 Definitions**

For the purpose of this section only, the following definitions shall apply:

1. Landowner  
Any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a proposed site specific development plan in the manner allowed by this Ordinance.
2. Property  
All real property subject to zoning regulations and restrictions and within the jurisdiction of Ansonville.
3. Vested Right  
The right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

**11.7.2 Submission of a Site Specific Development Plan**

To apply for a vested right, a landowner shall first submit to the Town a site specific development plan. The plan shall be submitted in a completed form (i.e., contain all information as herein prescribed) with a fee (in accordance with a fee schedule adopted by the Town Council) and an accompanying application which, at a minimum, contains the following information:

- A. All information listed in Section 9.2.1 of this Ordinance.

### **11.7.3 Public Hearing**

Upon receipt of the plan and application, the Town Council shall schedule a public hearing. Notice of the Town Council public hearing shall be given as follows:

- A. A notice shall be published in a newspaper having general circulation in Ansonville once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior tot the date established for the hearing.
- B. At least one (1) notice shall be conspicuously posted on the subject property at least ten (10) days prior to the public hearing. Such notice shall state the nature of the public hearing and the date, time and location at which it is to be held. The notice shall be removed only after the public hearing has been held.
- C. A notice of the public hearing shall be sent by first class mail by the Town to all contiguous property owners at least ten (10) days prior to the public hearing.

### **11.7.4 Town Council Action**

Once the public hearing has been conducted and concluded, the Town Council shall determine whether or not to approve the site specific development plan and accord the vested right. In approving an application for vested rights of a site specific development plan, the Town Council may attach fair and reasonable conditions which tend to support the requiring finding of facts as herein listed. The petitioner shall be given reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Town Council. The Town Council may not require the landowner to waive his vested right as a condition of developmental approval.

The Town Council may approve the site specific development plan if it has evaluated an application and determined that:

- A. The use meets all required specifications of the Zoning Ordinance, and



- B. The use will not materially endanger the public health or safety and will not substantially injure the value of adjoining property if located where proposed. (Any conditions placed on the site specific development plan by the Town Council shall be adequate, if appropriate, to meet this requirement.)
- C. If the site specific development plan is vested for a period of greater than two (2) years, this shall be based on one or more factors so described in Section 11.7.5.

The burden of proof of producing evidence to support these findings (and to overcome any challenges that approval of the site plan would be contrary to one or more of these findings shall rest entirely with the landowner.

If the use or development for which the site specific development plan is submitted is a conditional use, the Town Council may approve the site specific development plan contemporaneously with the approval of the conditional use permit. In no case, however, may a site specific development plan be approved for a use or development which requires the issuance of a conditional use permit without the conditional use permit having first been issued.

#### **11.7.5. Effect of Approval**

The effect of the Town Council approving a site specific development plan shall be to vest such site plan for a period of two (2) years from the date of approval. If the landowner requests, however, the Town Council may approve a vesting period not to exceed five (5) years from the date of approval. The vesting of any site plan beyond a two (2) year period may only be authorized by the Town Council where it is found that due to (i) the sizing and phasing of the development; or (ii) the level of investment; or (iii) the need for the development; or (iv) economic cycles; or (v) market conditions, building permits for all phases of the development cannot be secured within two years.

A vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan as provided for in this Section. Failure to abide by the terms and conditions placed upon such approval will result in the forfeiture of the vested right previously accorded.

A vested right, once established as herein provided, shall preclude any zoning action by the Town which would change, alter, impair, prevent, diminish or otherwise delay the development or use of the property as set forth in the approved site specific development except under the following conditions:

1. The affected landowner provides written consent to the Town of his desire to terminate the vested right; or,
2. The Town determines, after having advertised and held a public hearing, that natural or man-made hazards exist on or in the immediate vicinity of the property which pose a serious threat to the public health, safety and welfare if the project were to proceed as indicated in the site specific development plan; or,
3. Compensation is made by the Town to the landowner for all costs, expenses, and other losses incurred including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and any other consultant's fees incurred after approval together with interest thereon at the legal rate until paid; or,
4. The Town determines, after having advertised and held a public hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the Town of the site specific development plan; or,
5. Upon the enactment or promulgation of a State or Federal law or regulations that precludes development as contemplated in the site specific development plan. In such case the Town may (after having advertised and conducted a public hearing) modify the affected provisions upon a finding that the change in State or Federal law has a fundamental effect on the plan.

Once a vested right is granted to a particular site specific development plan, nothing in this section shall preclude the Town from conducting subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided such reviews and approvals are not inconsistent with the original approval.

**11.7.6 Revocation or Expiration of a Vested Right**

The vested right resulting from the approval of a site specific development plan may be revoked by the Town Council if the Town Council determines that the landowner has failed to comply with terms and conditions of the approval or with any other applicable portion of the Zoning Ordinance. The vested right shall otherwise expire at the end of the approval period established by the Town Council.

**11.7.7 Revocation of Building Permit**

A building permit issued by the Anson County Building Inspector pursuant to G.S. 160A-417 may not be revoked because of the running of time on a piece of property for which a site specific development plan has been approved and the vested right period has not otherwise expired.

**11.7.8 Amendments to the Zoning Ordinance**

The establishment of a vested right on a piece of property for a site specific development plan shall not preclude the Town from establishing and enforcing on the property any additional regulations (adopted during the time the vested right was in effect) which are general in nature and applicable to all property subject to the regulations of this Ordinance.

## **ARTICLE 12: BOARD OF ADJUSTMENT**

### **Section 12.1 Authority of Board of Adjustment**

**12.1.1** The Board of Adjustment shall have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by the Town or its designee pursuant to or regarding these regulations.

**12.1.2** The Board of Adjustment shall have the authority to grant variances to the terms of this Ordinance.

### **Section 12.2 Membership**

The Board of Adjustment shall consist of five members, all of whom are residents of the Town of Ansonville and all of whom are appointed to the Board of Adjustment by the Ansonville Town Council.

One (1) member shall initially be appointed for a one-year term; two (2) members shall initially be appointed to a two-year term; and two (2) members shall initially be appointed to a three-year term. Successive appointments shall be made for three year terms. Board of Adjustment members may be re-appointed by the Town Council.

### **Section 12.3 Meetings, Hearings, and Procedures**

**12.3.1** All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedure set forth in these regulations and rules of procedure adopted by the Board of Adjustment. The Board of Adjustment membership may amend such rules of procedure.

**12.3.2** Any rules of procedure adopted by the Board of Adjustment shall be kept on file at the Town Hall and shall be made available to the public at an meeting of the Board of Adjustment.

### **Section 12.4 Initiation of Appeals and Variances**

**12.4.1** An appeal may be initiated by any aggrieved party.

**12.4.2** A petition for a variance may be initiated only by the owner of the affected property, an agent authorized in writing to act on the owner's behalf, or a person having written contractual interest in the affected property.

## **Section 12.5** Appeals

The Board of Adjustment shall hear and decide appeals from and review any order, requirement, decision, interpretation or citation made by the Zoning Administrator and apply such interpretation to particular fact situations.

- 12.5.1** The Board of Adjustment, after having held a public hearing on the matter, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed which had been made by the Zoning Administrator.
- 12.5.2** The Board of Adjustment shall have all the powers of the Town in making any order, requirement, decision, interpretation or determination with reference to an appeal.
- 12.5.3** An appeal may be made by any person who has received a ruling from the Zoning Administrator. An appeal to the Board of Adjustment shall be made within thirty (30) days of the decision, order, determination, or interpretation made by the Town.

## **Section 12.6** Variance

When practical difficulties, special conditions, or unnecessary hardships would result from carrying out the strict letter of this Ordinance, the Board of Adjustment shall have the power to vary or modify any of the regulations or provisions of this Ordinance relating to the construction, alteration, location of buildings or structures (including signs), or appurtenances thereto.

- 12.6.1** The Board of Adjustment, in considering an application for a variance, shall give due consideration to the following:
  - A. The citing of other nonconforming or conforming uses of land or structures in the same or other districts, shall not be considered grounds for the granting of a variance.
  - B. The request for a variance for a particular use expressly, or by inference, prohibited in the district involved, shall not be approved.
  - C. The Board of Adjustment, after having held a public hearing, may grant a variance after having made each of the following findings:

1. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance:
2. That the variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit, and
3. That in the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.
4. That the reasons set forth in the application justify the granting of a variance, and that the variance is a minimum one that will make possible the reasonable use of land or structures.

**12.6.2** The Board of Adjustment, in approving all variances, may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which a variance is approved, shall be deemed a violation of this Ordinance and shall be punishable as prescribed in Section 11.6 of this Ordinance.

**12.6.3** Unless otherwise authorized by the Board of Adjustment and included in its decision to approve a variance, any order of the Board of Adjustment in approving a variance shall expire, if a building permit, or certificate of occupancy (for a use for which a building permit is not required), has not been obtained within one (1) year from the date of its decision.

**Section 12.7** Application Procedure

The following regulations apply to all applications submitted to the Board of Adjustment:

**12.7.1** Before a petition for an administrative appeal or variance shall be heard and a public hearing conducted by the Board of Adjustment, an application shall be submitted to the Town along with a fee in accordance with fee schedule established by the Town Council. Said fee shall be waived for any petition initiated by the Town or other officials of Ansonville who initiate a request on behalf of the Town. For variance requests, the application shall be accompanied by a map clearly identifying the subject property, all contiguous pieces of properties (including all properties traversed and/or separated by a road, stream, right-of-way, or any similar natural or man-made configuration). In addition, a list of names and addresses of the owners of said properties, from the most recent official tax records, shall be provided by the applicant.

**12.7.2** The filing of any application stays all proceedings unless the Zoning Administrator certifies that a stay in his opinion will cause imminent peril to life or property, or, that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that event, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment, Town Council or by a court of record.

**12.7.3** Within five (5) working days after having received an application for an appeal or variance, the Zoning Administrator shall determine whether the application is complete. If it is determined that the application is not complete, the Zoning Administrator shall serve a written notice on the appellant or petitioner specifying the application's deficiencies. The Zoning Administrator shall take no further action on the application until the deficiencies are remedied. If the Zoning Administrator fails to so notify the appellant or petitioner, the application shall be deemed complete.

## **Section 12.8** Public Notification

**12.8.1** The Town of Ansonville shall give notice of all public hearings. Said notice shall become a part of the record of the proceedings of the Board of Adjustment. Notice shall be given in the following manner:

A. Appeals

1. Notice shall be sent by the Town by first class mail to the applicant at least ten (10) days prior to the public hearing.

2. Notice shall also be posted by the Town in a conspicuous location in the Town Hall at least ten (10) days prior to the public hearing.

Both notices shall indicate the nature of the public hearing and the date, time and place at which it is to occur.

B. Variances

1. Notices shall be sent by the Town by first class mail to the applicant, and to owners of all contiguous properties at least ten (10) days prior to the public hearing. The notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
2. Notice shall also be posted by the Town in a conspicuous location in the Town Hall at least ten (10) days prior to the public hearing. Said notice shall indicate the nature of the public hearing and the date, time and place at which it is to occur.
3. At least one (1) sign shall also be conspicuously placed by the Town on the subject property(ies) indicating the nature of the public hearing and the date, time and place at which it is to occur. Said sign(s) shall be placed on the property(ies) in question at least ten (10) days prior to the public hearing.

**Section 12.9** Board of Adjustment Decision or Recommendation

**12.9.1** The Board of Adjustment shall hold a public hearing on an application no later than forty-five (45) days after a complete application has been filed with the Zoning Administrator. The application shall be received by the Board of Adjustment at least fifteen (15) days prior to the Board meeting at which the matter is to be considered. The Board of Adjustment shall decide on the matter that was presented at the public hearing within thirty-one (31) days of the close of the public hearing.

**12.9.2** The concurrent vote of four-fifths (4/5) of the voting members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination, approve a variance, grant a variance, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance. In all matters coming before the Board of Adjustment, the applicant shall have the burden of providing clear, competent and material evidence in support of the application.



**12.9.3** All decisions on variances by the Board of Adjustment shall be in writing and filed with Town. A written copy of decisions on variances and appeals shall be sent by first class mail to the applicant within five (5) working days of the date of decision of the Board of Adjustment.

**Section 12.10** Appeals from the Board of Adjustment

**12.10.1** An application for a rehearing shall be made in the same manner as provided for an original hearing within a period of fifteen (15) days after the date of the Board of Adjustment's decision. In addition, specific information to enable the Board of Adjustment to determine whether or not there has been a substantial change in facts, evidence, or conditions in the case, shall be presented in writing or graphically. A rehearing shall be denied by the Board of Adjustment, if, in its judgment, such change in facts, evidence or conditions has not been proven. A public hearing shall not be required to be held by the Board of Adjustment to consider holding such a rehearing. Approval of said consideration shall, however, require an affirmative vote of at least four (4) voting members. In the event that the Board of Adjustment finds that a rehearing is warranted, it shall thereupon proceed as in the original hearing except that the application fee shall be waived.

**12.10.2** Upon the denial of an original application, or upon the denial of an application from which a rehearing has been conducted, a similar application may not be filed for a period of one year after the date of denial of the original application.

**12.10.3** Every decision of the Board of Adjustment shall be subject to review by the Superior Court Division of the General Courts of Justice of the State of North Carolina by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be duly verified and filed with the Clerk of Superior Court within thirty (30) days after the decision of the Board is filed in the office of the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Town or the Chairman of the Board of Adjustment at the time of the Board's hearing of the case, whichever is later.

**ZONING  
ORDINANCE**

**ANSONVILLE, NC**

**ADOPTED January 5, 2004**