

## **DIVISION II    REGULATORY PROVISIONS**

### **ARTICLE II-1    Zoning District Categories Created**

For the purposes of this Ordinance, two (2) categories of Zoning Districts are created.

#### **II-1.1            General Use Zoning Districts Created**

General Use Zoning Districts are created to provide comprehensive land use regulations throughout the jurisdiction of this Ordinance. There are ten (10) General Use Zoning Districts that provide for a variety of uses that are appropriate to the character of the individual districts throughout the jurisdiction of this Ordinance. See Article II-2.

#### **II-1.2            Conditional Use Zoning Districts Created**

Conditional Use Zoning Districts are created for the purpose of providing an optional rezoning choice where the owner of property proposes to rezone property and, in order to carry out the purposes of this Ordinance, proposes to impose special limitations and conditions on the use of the property proposed for rezoning. For each General Use Zoning District, there is a corresponding Conditional Use Zoning District. See Article II-3.

## **Article II-2 General Use Zoning Districts Created**

For the purposes of this Ordinance, the Town of Wadesboro, North Carolina and its area of extraterritorial jurisdiction, is hereby divided into the following general use zoning districts:

### **R-20 Single-Family Residential District**

This District is established as a district in which the principal use of the land is for low density single family residential purposes. It is also the intent of this district to allow for certain types of non-residential community facilities that would not be detrimental to the residential character of the district. The application of this District is principally for outlying areas where the development pattern has not been established and may change subject to the provision of public facilities.

### **R-10 Single Family Residential District**

This District is established as a district in which the principal use of the land is for low density single family residential purposes. It is also the intent of this district to allow for certain types of non-residential community facilities that would not be detrimental to the residential character of the district.

### **R-8 Residential District**

This District is established as a district in which the principal use of land is for single and two-family residential purposes. It is also the intent of this district to allow for certain types of nonresidential community facilities that would not be detrimental to the residential character of the district.

### **R-6 Residential District**

This District is established as a district in which the principal use of land is for high density residential purposes. This district thus allows the highest residential density in the town in a variety of residential uses in areas where traffic circulation patterns can accommodate such densities. It is also the intent of this district to allow for certain types of nonresidential community facilities and services that would not be detrimental to the residential character of the district.

### **R-O Residential Office District**

This is a district in which the principal use of land is for residences, general business and professional offices, and institutional types such as hospitals and medical clinics which do not materially detract from nearby residential areas.

**C-B Central Business District**

This District is established as a district intended to protect and promote the continued vitality of the downtown commercial area of the Town. This district is intended to allow for a wide variety of commercial, service and governmental oriented uses and to discourage any land uses that would be detrimental to the continuation of this district as the primary shopping and service area of the town.

**N-B Neighborhood Business District**

This District is established as a district intended to provide for a wide variety of general and commercial uses at convenient neighborhood locations throughout the town in areas where traffic patterns can accommodate traffic generated by such uses. It is the intent of this district to discourage extensive strip commercial development along major highways within the town.

**G-B General Business District**

This District is established as a district intended to provide for a wide variety of general and commercial uses that usually cater to the motoring public and require major highway frontage. This district is thus intended to provide for controlled commercial development along major highways within the town.

**L-1 Light Industrial District**

This District is established as a district intended to provide for light manufacturing and warehousing and similar uses. It is not the intent of this district to allow such uses in areas where they would be incompatible with surrounding land uses.

**H-I Heavy Industrial District**

This District is established as a district intended to provide for manufacturing and warehousing and similar uses but which are more intensive and which have heavier processes than the L-I District.

**II-2.1 District Boundaries**

The boundaries of the general use districts are hereby established as shown on a map entitled “Official Zoning Map, Town of Wadesboro, North Carolina,” adopted by the Town Council and certified by the Town Clerk. Said map and all

explanatory matter thereon accompany and are hereby made part of this ordinance. Said map shall be retained in the office of the Town Clerk.

### **II.2.2 Rules Governing Boundaries**

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

- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or railroad right-of-way lines or such lines extended, such center lines, street lines, or railroad right-of-way lines shall be construed to be such boundaries.
- (2) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimension shall be determined by use of the scale shown on said zoning map.
- (4) Where a district boundary line divides a lot in single ownership, the district requirements for the least restricted portion of such lot shall be deemed to apply to the whole thereof, provided that such extensions shall not include any part of such a lot more than thirty-five (35) feet beyond the district boundary line.
- (5) Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or if further uncertainty exists as to the location of boundaries or applicability of zoning districts, the Board of Adjustment shall interpret the intent of the Zoning Map as to the location of such boundaries, and the applicability of such districts.

### **II-2.3 General Use District Standards**

The General Use Districts as established by this Article shall comply with all of the general and specific requirements of this Ordinance and in particular shall comply with the following standards and requirements:

- A. Uses. See Section II-2.4 entitled Table of Permitted and Conditional Uses.

- B. Special Requirements. See Section II-2.5 entitled Special Requirements to the Table of Permitted and Conditional Uses.
- C. General and Dimensional Standards. See Section II-2.6 entitled General and Dimensional Standards.
- D. Off-Street Parking and Loading. See Section II-2.7 entitled Off-street Parking and Loading.
- E. Signs. See Section II-2.8 entitled Sign Regulations.
- F. Landscaping. See Section II-2.9 entitled Landscaping.
- G. Lighting. See Section II-2.10 entitled Lighting.
- H. Soil Erosion. See Section II-2.11 entitled Compliance with Soil Erosion and Sedimentation Control Standards.
- I. Flood Damage Prevention. See Section II-2.12 entitled Compliance with Flood Damage Prevention Ordinance.
- J. Water Supply Watershed. See Section II-2.13 entitled Compliance with Anson County Watershed Protection Ordinance.
- K. Subdivision. See Section II-2.14 entitled Compliance with Subdivision Regulations.

## II-2.4 Table of Permitted and Conditional Uses

### A. General

The Table of Permitted and Conditional Uses which follows contains a listing of uses which may be permitted in one or more of the various Zoning Districts established by this Ordinance. Uses are listed in alphabetical order in nine functional categories. The categories in the order of listing are:

Residential Uses  
Recreational Uses  
Educational and Institutional Uses  
Business, Professional and Personal Services  
Retail Trade  
Wholesale Trade  
Manufacturing and Industrial Uses  
Public Works Facilities, Utilities and Infrastructure  
Miscellaneous

### B. Entries

The District or Districts in which a particular listed use may be permitted is indicated by an “x” or “c” in the District column(s) opposite the listed use.

### C. Meaning of Entries

The meaning of the entries in the Table are as follows:

1. The “x” indicates the use is permitted by right and a Development Permit may be obtained.
2. “c” indicates the use requires approval of a Conditional Use Permit in accordance with the procedures of Section I-5.7.

The column on the far right labeled “SR” (Special Requirements) means that there are special additional performance requirements that the use must comply with in its development. These requirements are contained in Section II-2.5 “Special Requirements to the Table of Permitted and Conditional Uses.” For

any use subject to a Conditional Use Permit, the Special Requirement shall represent the minimum conditions for issuance of a Conditional Use Permit.

- 3.** The listing of a use in the Table of Permitted and Conditional Uses in no way relieves that use of having to meet all local, State and Federal laws pertaining to the establishment and operation of that use.

## **II-2.5 Special Requirements to the Table of Permitted Uses**

The Table of Permitted and Conditional Uses of Section II-2.4 contains a column on the far right labeled "SR" for Special Requirements. In any case where a use listed in the Table of Permitted and Conditional Uses has a number in the SR column opposite the use, the use must comply with the additional Special Requirements contained in this section corresponding to the Special Requirement number. For example, the use "Multi-Family Dwelling" has the number "2" in the SR column opposite the use, therefore, the development of a Multi-Family Dwelling must meet the special requirements for SR 2. Multi-Family Dwelling section.

### **SR 1. Bed and Breakfast Inns**

- a. The maximum number of guest bedrooms shall be six (6).
- b. The inn shall be operated by a resident manager.
- c. The use shall be located in a structure which was originally constructed as a dwelling.
- d. The use shall contain only one (1) kitchen facility. Meals served on the premises shall be only for overnight guests at special events and residents of the facility.
- e. The use of such a facility by any one patron shall be limited to no more than fifteen (15) days per sixty (60) day period.

### **SR 2. Multi-Family Dwelling**

- a. No multi-family dwellings or series of attached single-family, multi-family buildings or other such arrangements shall exceed a length of one hundred fifty (150) feet when measured along the longest axis of the building or series of attached units when placed in a theoretical straight alignment.
- b. (1) No multi-family development shall contain more than sixteen (16) dwelling units unless the development shall have frontage along and direct primary access on a major or minor thoroughfare as shown on the Thoroughfare Plan.

- (2) Any multi-family development with more than sixteen (16) dwelling units shall meet the requirements of 1. above and shall submit a certified traffic engineering report evaluating the capability of the adjoining street system to carry the traffic generated by the development.
    - c. An individual multi-family building, or a single series of attached dwelling units to be located on an individual lot shall be developed in accordance with the area, yard and height requirements of the district in which located the same as any other individual building on an individual lot. The conveyance of ground space for single-family attached units or for common area or similar purposes shall not preclude development under this subsection. Such conveyances however shall be subject to the requirements of the Subdivision Ordinance and may be subject to the North Carolina Unit Ownership Act.
    - d. In any case where more than one multi-family building, or more than one series of attached dwelling units are proposed to be constructed on one lot, such development shall be in conformance with the following residential group development standards.
  1. **Site Plan.** No Development Permit shall be issued for any construction in group residential development except in accordance with a site plan approved by the Planning Board, in accordance with the standards herein. In any case where land is to be dedicated in a group residential development, a Subdivision Plan may be required by the Subdivision Ordinance. Developments that are proposed to be developed under the North Carolina Unit Ownership Act shall meet the requirements of that Act by recording the declaration and plan with the Register of Deeds. Where land is to be conveyed in accordance with such declaration and plan, the developer, shall first comply with the Subdivision Ordinance.
  2. **Density.** The number of dwelling units per unit of land area shall not exceed the number of dwelling units per unit of land area permitted in the district in which the development is located.
  3. **Yard Requirements.** The following yard requirements are hereby established:

- (1) Exterior. Along each exterior property line or public street, the minimum front, rear and side yard setback of the Zoning District shall be maintained.
  - (2) Interior. For each building erected along a private street or accessway, a minimum setback of twenty (20) feet shall be maintained from the nearest edge of street or accessway pavement.
  - (3) Distance Between Buildings. A distance of at least twenty (20) feet shall be maintained between all buildings within the development.
4. **Streets or Accessways**. All private streets or accessways providing ingress and egress from the development to an existing public street system shall comply with the current standards being required by the subdivision regulations then in effect, including street drainage, except that no curb and gutter is required and a pavement width of only 20 feet shall be required.
  5. **Sidewalks**. Sidewalks shall be installed in the same manner and under the same criteria as that established in the subdivision regulations.
  6. **Storm Drainage Improvements**. Storm drainage improvements shall be made in the same manner and under the same criteria as that established in the subdivision regulations.
  7. **Sanitary Containers**. Stationary sanitary containers shall be located so as not to interfere with sight distance or the free movement of vehicles on streets or service drives and so as to allow collector trucks adequate maneuvering space to empty the containers and to leave the property without excessive backing. Concrete pads in conformance with the public works department's stationary container location standards shall be located beneath of and in the approach to each stationary sanitary container.

**SR 3. Class A Mobile Home on Individual Lot**

- a. The mobile home shall be at least 24 feet by 40 feet excluding towing apparatus.
- b. The pitch of the mobile home's roof shall have minimum vertical rise of two and two tenths (2.2) feet for each twelve (12) feet of horizontal run and the roof shall be finished with a type of shingle that is commonly used in standard residential construction.

- c. The exterior siding shall consist predominantly of vinyl or aluminum horizontal lap siding (that does not exceed the reflectivity of gloss white paint), wood, or hardboard, comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.
- d. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, shall be installed under the mobile home.
- e. The tongue, axles, transporting lights, and removable towing apparatus shall be removed subsequent to final placement.
- f. Installation shall be in accordance with North Carolina Department of Insurance Standards.

**SR 4. Family Care Home and Family Day Care Home**

- a. A family care home with six (6) or fewer persons or a family day care home with five (5) or fewer persons may be operated as an accessory use to a principal dwelling. Provided, however, no family care home may be located within one-half mile radius of any other family care home as defined by NCGS 168-21.

**SR 5. Home Occupation, Customary**

- a. Only one person other than those residing in the home shall be engaged in the occupation.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation. No goods shall be offered for sale on the premises.
- c. There shall be no changes in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation except one non-illuminated sign not exceeding four (4) square feet.

- d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
- e. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or which causes fluctuations in line voltage off the premises.

**SR 6. Amusement or Water Parks; Batting Cages; Go-Cart Tracks; Golf Driving Ranges; Miniature Golf Facilities**

- a. No principal buildings or structures shall be located within fifty (50) feet of any property line.
- b. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of park activities where adjoining a Residential District.
- c. No amusement equipment, machinery, or mechanical device of any kind may be operated within two hundred (200) feet of any residentially zoned property.

**SR 7. Associations and Organizations; Social and Fraternal**

- a. In the R-8 and R-6 Districts:
  - (1) All structures, including secondary and accessory structures shall be located a minimum of fifty (50) feet from any street line and property line.

**SR 8. Golf Courses; Including Pro Shop; Recreational Facilities, Private; Saddle Clubs, etc.**

There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, athletic fields, and other activity areas and adjacent residentially zoned property.

**SR 9. Swim and Tennis Clubs, Non-Profit**

- a. There shall be a fifty (50) foot minimum setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned property.
- b. Outdoor swimming pools shall be protected by a fence, or equal enclosure, a minimum of four (4) feet in height, and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

**SR 10. Day Care Centers (6 or more), Family Care Homes**

An adult or child day care center with six (6) or more attendees and family care homes shall be operated as a principal use and subject to the following developmental standards:

- a. Centers in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

**SR 11. Nursing and Convalescent Homes; Congregate Care and Group Care; Orphanages**

- a. In the R-8 and R-6 residential districts:
  - (1) All structures including secondary and accessory structures shall be located a minimum of fifty (50) feet from any street line and, twenty (20) feet from any other property line.
  - (2) Any use listed above located in a residential district on a site greater than three (3) acres shall have frontage on a collector or thoroughfare street.

**SR 12. Automobile Storage; Automobile Towing & Storage; Automobile Wrecking or Junk yards; Salvage Yards, Scrap Processing, Recycling**

- a. Outdoor storage associated with the above uses shall be completely screened by a screening device at least eight (8) feet in height and ninety percent (90%) opaque.
- b. Automobile wrecking or junk yards, salvage and scrap processing uses shall require a minimum of three (3) acres. Any area covered by six hundred (600) square feet or more of scrap material or seven (7) or more junk vehicles shall qualify as a use of this category.
- c. Uses subject to this note shall be separated in such a manner as to prevent dust and tracking of mud and debris onto adjoining streets.

**SR 13. Recreational Vehicle Parks or Campsites**

- a. Such uses shall comply with the following standards:
  - (1) Yard Requirements. The following yard requirements are hereby established:
  - (2) Exterior. Along any public street or public right-of-way, a setback of at least forty (40) feet from the edge of the public right-of-way shall be maintained.
  - (3) Distance Between Trailers. A distance of at least ten (10) feet shall be maintained between trailers and/or structures. Any accessory structures such as attached awnings, carports or individual storage facilities, shall, for the purpose of this requirement, be considered a part of the trailer.
  - (4) Open Space. A recreational area of not less than ten percent (10%) of the gross site area or two thousand five hundred (2,500) square feet, whichever is greater, shall be maintained in a central and convenient location to all trailer spaces.
  - (5) Lot Area. The lot for the park shall be a minimum of two (2) acres.
  - (6) Density. The density shall not exceed twenty-five (25) trailer spaces per acre of gross area.

- (7) Parking. Adequate off-street parking and maneuvering space shall be provided on site. The use of any public street, sidewalk or right-of-way or any other private grounds not a part of the travel trailer parking area for the parking or maneuvering of vehicles is prohibited.
- (8) Streets. All internal roadways shall be stabilized and of adequate width to accommodate the volume and type of anticipated traffic, and in any event, shall comply with the following minimum requirements:
  - A. Internal one-way roadway and roadways on which parking is prohibited shall not extend for more than five hundred (500) feet in total length; service less than twenty-five (25) trailer spaces; and be at least eleven (11) feet in width.
  - B. Internal one-way roadway and roadways on which parking is permitted on one side and two-way roadways which do not allow parking shall be at least twenty-four (24) feet in width.
  - C. Internal two-way roadways, which permit parking on one side only, shall be at least twenty-seven (27) feet in width.
  - D. Internal two-way roadways, which permit parking on both sides, shall be at least thirty-four (34) feet in width.
- (9) Water. Each travel trailer parking area shall be connected to an approved water supply system, which provides an accessible, adequate, safe and potable supply of water.
- (10) Sewer. An adequate and safe sewer system shall be provided in all travel trailer parking areas. Such system shall either be a municipal system or a system approved by the appropriate County or State agency vested with the authority to approve sewage disposal systems.
- (11) Screening. A screening device at least six (6) feet high and ninety percent (90%) opaque shall be provided where the use adjoins residentially zoned property.
- (12) Service Building. A central service building containing all necessary toilets, bathhouses and other plumbing fixtures specified in the most current edition of the North Carolina State Plumbing Code, as amended, shall be provided in all travel trailer parking areas. Service building shall

be conveniently located within a radius of three hundred (300) feet to spaces which it serves.

(13) Trash. The storage, collection and disposal of trash and refuse in the travel trailer parking area shall comply with all applicable regulations.

(14) Time of Stay. Neither any person nor any mobile unit shall occupy a trailer space or the travel trailer parking area for a period in excess of thirty (30) days. A register of all occupants, the space occupied, and the time of arrival and departure shall be maintained.

**SR 14. Airports or Air Transportation Facilities**

- a. The minimum area shall be fifty (50) acres for Basic Utility Stage 1 airport.
- b. Security fencing shall be provided sufficient to control access to runways and taxiways. The fencing shall be a minimum of six (6) feet in height.

**SR 15. Ammunition, Small Arms**

- a. No such facility shall locate within a five hundred (500) foot radius of any residentially zoned property.
- b. Security fencing shall be provided along the entire boundary of such a facility.
- c. The facility and its operation shall observe all Fire Prevention and Protection requirements.

**SR 16. Asphalt Plants**

- a. Any asphalt plant operations shall be located at least fifty (50) feet from any property line.
- b. Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of the operation.
- c. Rehabilitation:
  - (1) Within one (1) year after the cessation of production, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.

- (2) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public drainageways, nor to appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.
- d. All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- e. Access:
  - (1) Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust free manner.
  - (2) Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
  - (3) A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

**SR 17. Landfill, Building Debris, Private**

- a. Setback: There shall be fifty (50) foot minimum distance from any property line.
- b. Use Separation: There shall be three hundred (300) foot minimum separation from any residence.
- c. Access: Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
- d. Dust: All unpaved areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- e. Operation: No filling is permitted in any flood hazard area. No filling is permitted in minor drainageways unless the drainage has been piped in accordance with approved plans. No filling is permitted in utility easements.

- f. Signs: An information board sign shall be posted and maintained at the entrance, listing the name and phone number of the current operator, the types of material accepted, and the hours of operation.

**SR 18. Landfill, Sanitary, Private**

- a. An operations and rehabilitation plan shall be submitted for approval prior to permitting.
- b. Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
- c. Equivalent sound levels at the boundaries of the fill site shall not exceed the following standards:

between 7:00 a.m. and 7:00 p.m. 60 DBA  
between 7:00 p.m. and 7:00 a.m. 55 DBA

- d. The Rehabilitation Plan shall be referred to the Soil and Water Conservation District for review and recommendation, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
- e. The permanent roads, defined as those to be used in excess of one (1) year, within the fill site shall be surfaced with a dust free material, such as soil cement, bituminous concrete or Portland Cement concrete.
- f. Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons are an acceptable means of dust inhibition.
- g. Where the proposed fill shall take place within three hundred (300) feet of a dwelling, school, church, hospital, commercial or industrial building, public building, or public land, a security fence at least six (6) feet high shall be installed.

- h. The operations plan and the rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consistent with good practices and so that rehabilitation proceeds in concert with filling.

**SR 19. Mining and Quarrying**

a. Setback:

- (1) The edges of any pit where a mining operation is taking place, any equipment used in the processing of rock and gravel, any asphalt plant, or other industrial use operated in conjunction with the mine or quarry shall be located at least fifty (50) feet from any property line.
- (2) Where the mining operation site is bounded by a railroad right-of-way currently being used for rail service to the mining operation, no setback shall be required between the railroad right-of-way and such operation.

- b. Security fencing, a minimum of six (6) feet in height, shall be provided around the perimeter of both existing and abandoned operations.

c. Rehabilitation:

- (1) Within one (1) year after the cessation of production at all mining operations, all equipment and stock piles incidental to such operation shall be dismantled and removed by and at the expense of the owner.
- (2) Except in a case where redevelopment for another permitted use is in progress on the site of an abandoned extraction operation, all excavations shall be graded to reduce the surface to gently rolling topography in substantial conformity to the land area immediately surrounding, and shall be planted with a cover of sod, trees, shrubs, legumes, or grasses which will minimize erosion due to wind and rainfall.
- (3) The site shall be drained to prevent the accumulation of standing water, and channelization of the drainage shall be designed and controlled so as not to cause erosion or silting of neighboring properties or public ways, nor appreciably increase the turbidity of any natural water course, or to occlude any existing drainage course.

- d. All operations involving blasting discernable beyond the external property line of a quarry shall only be conducted between the hours of 7:00 a.m. and 6:00 p.m.
- e. All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.
- f. Access:
  - (1) Access roads leading to any part of the operation shall be constructed with a gravel or asphalt stone surface and maintained in a dust-free manner.
  - (2) Access roads shall be located no closer than fifteen (15) feet to any property line other than a railroad right-of-way line.
  - (3) A plan shall be submitted showing truck routes to and from the site. Such routes shall be designed to minimize impacts on residential areas, schools, or other uses negatively affected by truck traffic. Such routes shall be adhered to.

**SR 20. Petroleum and Related Products (Wholesale or Manufacturing)**

- a. Setback:
  - (1) Storage tank protected by either an attached extinguishing system approved by the Fire Marshall, or an approved floating roof, shall not be located closer to an exterior property line than a distance of either the diameter or height of the tank, except that such distance need not exceed one hundred and twenty (120) feet.
  - (2) Storage tanks not equipped as indicated in (1) above shall not be located closer to an exterior property line than a distance equal to one and one-half (1 ½) times the greater dimension of either the diameter or height of the tank, except that such distance need not exceed one hundred and seventy-five (175) feet.
- b. Above ground storage tanks and loading facilities shall be located a minimum of five hundred (500) feet from any existing residence or residentially zoned property.
- c. Gravel or paved roadways shall be provided to all storage tanks.

d. Security fencing, a minimum of six (6) feet in height, shall be provided along the entire boundary of such facilities.

e. Dikes:

- (1) Tanks or groups of tanks shall be diked to prevent the spread of liquid onto other property, waterways, or drainageways. The volumetric capacity of the diked area shall not be less than the capacity of the largest tank within the diked area.

Dikes or retaining wall shall be of earth, steel, concrete, or solid masonry designed and constructed to be liquid-tight and to withstand a full hydraulic head. Earthen dikes three (3) feet or more in height shall have a flat section at the top not less than two (2) feet in width. The slope shall be consistent with the angle or repose of the material of which the dikes are constructed. Dikes shall be restricted to an average height of not more than six (6) feet above the exterior grade unless means are available for extinguishing a fire in any tank. Dikes enclosing such tanks shall be provided at the top with a flareback section designed to turn back a boil-over wave. A flareback section shall not be required for dikes and walls enclosing approved floating roof tanks. No loose combustible material, drums, or barrels shall be permitted within the diked area.

- (2) Where provision is made for draining rainwater from diked areas, such drains shall normally be kept closed and shall be designed so that when in use they will not permit flammable liquids to enter natural watercourses, public sewers, or public drains. Where pumps control drainage from the diked area, they shall not be self-starting.

f. Tank Maintenance:

- (1) All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust-free exterior surface.
- (2) A firm substratum shall be constructed under each storage area to eliminate differential subsidence and to prevent the product from seeping.

- g. All storage facilities shall comply with the latest edition of the “Flammable and Combustible Liquids Code, NEPA 30” of the National Fire Protection Association.

**SR 21. Water Treatment Plants, Non-Governmental Public; Sewage Treatment Plants, Non-Governmental Public**

- a. Except in L-1 and H-I Districts, no use shall be made of the site that is not directly related to the operation of the plant.
- b. All buildings shall meet the minimum yard setbacks for the district in which located or twenty (20) feet whichever is the greater.
- c. Screening shall be provided adjoining residential property lines with a six (6) feet high, ninety percent (90%) opaque screen.
- d. All structures shall be enclosed by a chain link fence at least eight (8) feet in height.

**SR 22. Telecommunication Towers, Antennas and Facilities**

In recognition of the Telecommunications Act of 1996, it is the intent of the Town of Wadesboro 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 Wadesboro. Wireless towers may be considered undesirable with other types of uses, most notably in residential zoning districts, therefore, special regulations are necessary to ensure that any adverse effects to existing and future development are mitigated.

- a. Wireless telecommunications towers (including cellular towers, digital towers and PCS towers) are permitted uses by right in all L-I and H-I Industrial Zoning Districts pursuant to the regulations set forth in this section. Telecommunication towers require the issuance of a conditional use permit in all other zoning districts pursuant to the regulations set forth in this section.
- b. All telecommunications towers constructed within residential zoning districts R-20, R-10, R-8, R-6 and R-0 must be of the monopole variety. Telecommunications towers within the L-I, H-I, G-B, N-B and C-B zoning districts may be either a monopole or lattice type.

- c. It is the intent of the Town to encourage providers to co-locate facilities in an effort to reduce the number of towers in the jurisdiction. The Town encourages providers to construct telecommunications towers such that additional telecommunication providers may be afforded the opportunity to co-locate facilities on the tower. The Town further reserves the right to make co-location a condition on any tower permitted by a conditional use permit under the guidelines listed above.
- d. The maximum height of telecommunication towers is as follows:
  - (1) In all residential districts, the maximum height will be one hundred fifty (150) feet.
  - (2) In all other districts, the maximum tower height shall be two hundred (200) feet unless documentation is provided to show a taller tower is required to meet minimal service levels.
- e. No telecommunication tower will be located within the front yard (as defined within).
- f. The Town of Wadesboro, by Federal law, cannot prohibit a telecommunications tower or deny a conditional use permit on the basis of environmental or health concerns relating to radio emission if the tower complies with the Federal Radio Frequency Emission Standards. The Town requires that the provider must provide documentation proving the proposed tower does comply with the Federal Radio Frequency Emission Standards.
- g. A buffer yard (as defined herein) is required along all sides of the perimeter of the tower site. It shall be the responsibility of the provider to keep all landscaping material free from disease and property maintained in order to fulfill the purpose for which it was established. Any vegetation that constitutes part of the screening shall be replaced in the event it dies.
- h. Placement and Setbacks. The tower shall be situated in such a manner as to not fall across a public street or adjoining property line in the event of structural failure. Such assurance shall be made by either situating the tower a distance from the street or adjoining property line that is greater than the height of the tower or by using a self-collapsing or telescoping structure that will collapse upon itself. Any self-collapsing or telescoping design structure must be documented by a registered engineer or architect. Required setbacks for both the tower and any accessory buildings shall not be less than those

specified in this Ordinance. (Exception: Any lattice-type tower located in a commercial or industrial zoned district which abuts any residential zoned district shall not be located within one hundred (100) feet from any residential zoned district.)

- i. Telecommunications towers located in all residential districts shall not contain light 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 equipment shelters to reduce the effect of glare. (Strobe lights required by the FAA are exempt.)
- j. Towers and related facilities must be removed if abandoned for a period greater than six (6) months. Operator must provide a copy to the town of the notice to the Federal Communications Commission to cease operation.
- k. Additional provider antennas and equipment shelters to an approved telecommunications tower site may be made with the approval of the Zoning Administrator, without additional review by the Board of Adjustment, provided said changes do not increase the height of the tower or type of tower construction.
- l. Freestanding signs are prohibited. One wall sign, for the purpose of identification, is allowed on any equipment shelter provided it does not exceed ten (10) percent of the total wall area of the wall upon which it is located. No graphics or text shall be located on the tower.
- m. The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunications tower prior to the issuance of a zoning permit.
- n. Outdoor storage of equipment or other related items is prohibited on a telecommunications tower site.
- o. In addition to a. through n., all applications for a conditional use permit for a telecommunications tower must include the following information on their site plan:
  - (1) Identification of intended provider(s);

- (2) Documentation that the tower has been designed by a registered engineer and that the tower has sufficient integrity to accommodate more than one user;
- (3) A statement from the owner indicating intent to allow shared use of the tower and how others will be accommodated, if applicable;
- (4) Documentation that the telecommunications tower complies with the Federal Radio Frequency Emission Standards;
- (5) A statement regarding possible interference, if any, with respect to radio and/or television receptions.

**SR 23. ABC Sales for On Premises Consumption; Bars**

- a. Property Separation. No such establishment shall be located within two hundred (200) feet of a church, elementary or secondary school, public park, or residentially zoned property.
- b. Frontage. The main entrance of the building shall be toward property zoned for nonresidential uses.
- c. Parking. Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property line of abutting residentially zoned property.

**SR 24. Adult Oriented Business**

- a. No such business shall be located within one thousand (1,000) feet of any other Adult Oriented Business, as measured in a straight line from property line to property line.
- b. No Adult Oriented Business shall be located within one thousand two hundred (1,200) feet of a church, public or private elementary or secondary school, child day care or nursery school, public park, residentially zoned or residentially used property, or any establishment with an on-premise ABC license, as measured in a straight line from property line to property line.
- c. The gross floor area of any Adult Oriented Business shall not exceed three thousand (3,000) square feet and all business related activity shall be conducted in a building.

- d. Except for an adult motel, no Adult Oriented Business may have sleeping quarters.
- e. There shall not be more than one (1) Adult Oriented Business in the same building, structure, or portion thereof. No other principal or accessory use may occupy the same building, structure, property, or portion thereof with any Adult Oriented Business.
- f. Except for signs as may be permitted by this Ordinance, no printed material, slide, video, photograph, written text, live show, or other visual presentation format all be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- g. No enclosed or underground parking shall be permitted.

**SR25. Temporary Events and Structures**

The Zoning Administrator may issue a permit for temporary events and structures provided he makes the following affirmative determinations:

- a. The duration of the event will be for fourteen (14) days or less.
- b. The location for the event has not had more than two (2) temporary events in the past twelve (12) months and no events in the past thirty (30) days.
- c. The owner of the property, or his agent, has authorized in writing for the event to be held on the property.
- d. The application for the permit is made at least five (5) working days prior to the event.
- e. That ample off-street parking is available.
- f. That arrangements are made for suitable garbage disposal and site clean-up.
- g. That activities within one thousand (1,000) feet of residences not on the site are to be conducted in such a manner as to not create noise that will disturb the occupants of residences.

h. That adequate security will be provided.

**SR. 26 Sidewalk Café**

**1. The Zoning Administrator may not issue a permit for the sidewalk café unless he or she determines the following requirements are met:**

(A) Applicant complies with one of the following:

a. The sidewalk café must be associated with an operating restaurant so that it is under the same management and shares the same food preparation facilities, restroom facilities and other customer convenience facilities as the restaurant. The sidewalk café must be operated under the same name as the restaurant and may not be open or operated at any time when the restaurant is not open for business. The seating capacity of the sidewalk café may not be more than 50% of the interior seating capacity of the associated restaurant;

OR

b. The sidewalk café must be associated with an operating and properly permitted non-fortified wine, beer, or distilled beverage production and bottling business with the same management and shares the same preparation/production facilities, restroom facilities, and other customer convenience facilities as the business. The sidewalk café must be clearly incidental to the associated non-fortified wine, beer, or distilled beverage business and operate under the same name. Only alcoholic beverages that are legally produced and bottled at the associated on-site business may be served and consumed at the sidewalk café. The seating capacity of the sidewalk café may be no more than 75% of the associated business.

(B)The placement of tables, chairs, and other furnishings must be done in a manner that complies with the Americans with Disabilities Act (ADA) and that at least three feet of unobstructed space (as measured from the building facade or, in the absence of a building facade, a straight line connecting the building facades) remains on the sidewalk or pedestrian way for the passage of pedestrians. No fire exits or lanes or hydrants may be blocked and must remain clear at all times. The pedestrian passage may not be used for the display of merchandise or for portable signs.

(C)The restaurant or non-fortified wine, beer, or distilled beverage production and bottling business seeking to operate the sidewalk café must front on and

open onto the sidewalk or pedestrian way proposed for the sidewalk café. The placement of tables, chairs and other furnishings may not extend beyond the sidewalk or pedestrian way frontage of the associated restaurant, with the following exceptions:

a. Parking Space Decks – The intent of the parking space deck is to provide an expanded area within the public right-of-way for a restaurant to establish an outdoor café area. All restrictions applicable to sidewalk cafes shall apply to the parking space decks as well. Approval of a parking space deck shall be part of the approval for a sidewalk café. A parking space deck is not permitted separate from a sidewalk café.

- i. The Zoning Administrator may deny a parking space deck as part of a sidewalk café application if it will unacceptably affect public services, hinder parking, or is otherwise in the public interest.
- ii. Parking space decks shall be installed no earlier than May 1<sup>st</sup> and shall be removed no later than November 1<sup>st</sup>. Earlier setup is permitted with the permission of the Zoning Administrator in the event of early spring weather.
- iii. A building permit is required for all parking space decks. Plans for a parking space deck shall be approved by the Zoning Administrator and, if necessary, the Fire Department prior the start of construction. A minimum of a 36” guardrail shall be provided on the sides of the deck not adjacent to the sidewalk. Any parking space deck must be designed to not significantly interfere with drainage/storm water flow.
- iv. The size of the parking space deck shall be limited to the area occupied by parking spaces located entirely within the frontage of the restaurant holding the permit. A minimum of a one foot setback from adjacent parking spaces and a 1 foot setback from the traffic lane shall be provided.
- v. If parking decks are approved for adjacent restaurants, the decks may be integrated and constructed as one large parking space.
- vi. Cost for the construction, installation, removal and storage of the parking space deck is the responsibility of the permit holder. If the structure is not removed from the property in accordance with the regulations of this section, the Town may remove the structure after a 15 day notice and charge the expense of removal plus a five (5%) percent administrative charge to the permit holder or property owner.

b. Parking Space Extension - Tables, chairs and other incidental furnishings of the sidewalk café may extend beyond the sidewalk onto

empty public automobile parking spaces from 4:00 PM until midnight on state holidays and Fridays, and from 6:00 AM until midnight on Saturdays, and from 6:00 AM until 11:00 PM Sundays. 45 minutes prior to these aforementioned start times, the business operator of the sidewalk café may put up the below described barricade in a parking spot. For example, a business operator could put up a barricade in a parking spot on Friday at 3:00 PM and start setting up the sidewalk café for business. However, a business operator has no right to demand that an automobile be moved to make room for the sidewalk café to extend into a parking spot.

- i. The sidewalk café may not extend past one foot inward from the street side end of the parking spaces. To extend the sidewalk café beyond the sidewalk into empty automobile parking spaces, the parking spot shall be physically separated from the remaining parking area and street by visible barricades with a height of at least three (3) feet and no more than forty-two (42) inches. The barricades must be constructed of materials of a finished quality, including but not limited to wrought iron or picket fences. Such barricades must be clearly illuminated by lighting after 5:00 PM to make it obviously marked and immediately noticeable to passing motorists. Sidewalk cafes may not extend beyond the sidewalk and into a parking space that is reserved for handicap parking or within 25 feet of the intersection of at least two streets.

(D) The tables, chairs and other furnishings used in the sidewalk café shall not be anchored and shall be of a type of furnishing that is easily movable.

(E) Tables, chairs and other furnishings as part of the sidewalk café may extend up to 15 feet onto adjacent property frontage in either or both directions with the written permission (provided at the time of the application) of the legal occupant of the adjacent property but the sidewalk may not extend beyond an alleyway or vehicular entrance.

(F) Except as elsewhere permitted, the operation or furnishings of the sidewalk café shall involve no permanent alteration to or encroachment upon any street, sidewalk or pedestrian way or the exterior of the associated business.

(G) Each sidewalk café shall provide adequate trash removal for its patrons. At the end of each business day and during operating hours, the operator shall remove all trash and debris of any sort from the sidewalk area. In addition, the operator shall remove from the sidewalk or abutting property or parking spots any trash or debris originating from the operation of the business and/or sidewalk café.

(H) Tables, chairs and other furnishings that remain on the sidewalk at times when the business is not in operation shall be secured in a manner that allows clear access from the street equal to or exceeding half of the frontage of the associated business.

(I) Sidewalk cafes may operate anytime between 6:00 AM to 11:00 PM Sunday through Thursday, and on the hours of 6:00 AM to midnight on state holidays, Fridays, and Saturdays.

3. Special Permitting Requirements

The Zoning Administrator shall not issue a permit unless the following is submitted with a sidewalk café permit application:

- (A) The name, addresses, and telephone number of the business desiring a sidewalk café.
- (B) The hours of operation of the associated business.
- (C) A site plan showing the section of the sidewalk, parking area, or pedestrian way to be used for the sidewalk café, and the section to be kept clear for pedestrian and fire lane use.
- (D) Applicant must provide proof of an insurance policy, issued by an insurance company licensed to do business in the State of North Carolina, protecting the permittee and the Town of Wadesboro from all claims for damages to property and bodily injury, including death, which may arise from operation under or in connection with the permit. The insurance shall name the Town of Wadesboro additional insured and shall provide that the policy shall not permit or be canceled prior to the expiration date without 30 days advance written notice to the Town of Wadesboro. Such insurance shall afford minimum limits of one hundred thousand dollars (\$100,000.00) combined for property and bodily injury and three hundred thousand dollars (\$300,000.00) aggregate annually.

**SR 27. Solar Energy Facility**

- a. All structures (including solar panels) must meet a 150-foot setback on front, rear, and sides of the property as measured from the edge of the right-of-way, or property line. A distance of 500 feet must be maintained from all existing residential dwellings. Security fencing may be placed 1' off the property lines or along setback lines.
- b. A landscape buffer/screen must be placed within property limits and along all exterior property lines and shall consist of:
  - a. **Front, Side & Rear Setback Buffer Requirements**

- i. On-site mature vegetation consisting of a minimum depth of 75 feet and a height of 10 feet, with understory growth, located between the security fence and adjacent property including right-of-ways that achieves at least 90% opaqueness; or
  - ii. A double row of off-set evergreens, installed at a height of 5 feet achieving at least 90% opaqueness and a minimum height of 10 feet in 5 years; or
  - iii. An earthen berm combined with evergreen vegetation installed at a height of 5 feet achieving at least 90% opaqueness and a minimum height of 10 feet in 5 years.
  - iv. Where visibility of the solar farm is increased due to topography, the landscape buffer/screen must be planted on-site in an area achieving at least 90% opaqueness of the facility. Where visibility of the solar energy facility is decreased due to topography, the landscape buffer/screen may be reduced so as to achieve 90% opaqueness.
- c. All solar energy facilities must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic or create a safety hazard.
- d. All solar energy facilities located within the Anson County Airport Hazard Overlay District (“AHO”) must meet the guidelines in that district and have approval from the FAA and the NCDOT - Division of Aviation. Panels located within the AHO must have a sun glare study conducted covering the full range of movement and it must be determined they are of no hazard to aircraft or the functioning of the airport.
- e. A chain link security fence no less than 6 feet in height equipped with barbed wire, a gate and a locking mechanism must be installed along all exterior sides of the solar energy facility.
- f. All construction parking must be located outside of the right-of-ways of NCDOT, the Town of Wadesboro, and other right-of-way holders.
- g. Erosion control measures must be installed at construction entrances to eliminate off-site soil damage. Existing grass/ground cover must be maintained in perpetuity sufficient to prevent erosion.

- h.** A warning sign concerning voltage must be placed at the gate to include the name of the solar operator and a local phone number for the solar energy facility operator in case of an emergency. “No Trespassing” and “High Voltage” signs must be located every 100 feet along all fence lines with the same contact information.
- i.** Power transmission lines must be located underground to the extent practical.
- j.** Landscape buffers/screens, ground cover, security fences, gates and warning signs must be maintained in good condition until the solar energy facility is decommissioned. This does not relieve the applicant of the duty to decommission
- k.** Applicant must secure/provide a \$2,500 fee that shall be submitted with the zoning application unless set otherwise by the Wadesboro Town Council; a 911 address; all necessary approvals and/or permits from the North Carolina Department of Transportation (“NCDOT”) for the access points for project entrances, or any off site impact areas; a letter from North Carolina Department of Environmental and Natural Resources (“NCDENR”) stating that applicant has received an erosion control permit and has otherwise met NCDENR’s approval for construction; an approved study from the Army Core of Engineers for any wetlands, watershed and flood plains; a survey of the subject property survey (must meet N.C.G.S. 47-30); an executed copy of the lease if subject property is leased or a proof of ownership; a commitment letter/contract from the company purchasing electricity; a decommissioning plan conducted by an engineer licensed in North Carolina that is signed by the lessee and the landowner acknowledging responsibility jointly and separately for decommissioning the property; an erosion control plan; a site plan showing streets, circulations, driveways, service buildings, easements, arrangement of solar panels, also fencing, gates and landscaping buffers; and written authorization from the appropriate utility company verifying and approving connection to the utility company’s power grid.
- l.** The zoning permit issued under this section is subject to revocation if the Zoning Administrator is not notified in writing when the solar energy company holding the permit sells/transfers the property or its interest to another entity or individual. All restrictions and conditions

transfer with the property and may not be voided, reduced or otherwise changed with any transfer.

- m.** Prior to the issuance of a solar energy facility permit, a decommissioning plan describing the anticipated life of the solar energy facility, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar energy facility will be decommissioned and the site restored. The plan must be conducted by a North Carolina licensed engineer and the Town must approve the decommissioning plan prior to a solar energy facility permit being issued to applicant.
- n.** Prior to the issuance of a solar energy facility permit, the applicant must provide the Town with a performance guarantee as in the subsection a. below that will ensure sufficient funds are available for decommissioning of the facility and reclamation of the property to its condition prior to commencement of activities on the site even if the applicant or permit holder sells its rights in the property or becomes insolvent or ceases to reside, be incorporated, do business, or maintain assets in the State. The amount of the guarantee shall be 1.25 times the estimated decommissioning cost minus 50% of the estimated salvageable value, or \$50,000.00, whichever is greater. Estimates for decommissioning the site and salvage value be determined by a North Carolina licensed engineer. It is the responsibility of the applicant to provide the Town with the certified cost estimate.

  - a.** The following types of performance guarantees are permitted:

    - i.** A surety or performance bond that renews automatically, is issued solely for the protection of the Town of Wadesboro, includes a minimum 60-day written notice to the Town prior to cancellation, is approved by the Zoning Administrator, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bonding certificate must be submitted to the Town Zoning Administrator each year verifying such conditions have been met.
    - ii.** A no-contest irrevocable bank letter of credit solely for the benefit of the Town of Wadesboro from a banking

corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the Town finance director to withdraw funds from the bank upon certification by the Town Zoning Administrator that the terms and conditions of the performance guarantee have been breached.

- iii. The full amount of the bond or letter of credit must remain in full force and effect until the solar energy facility is decommissioned and any necessary site restoration work is complete. The landowner or lessee must certify to the Town when the site has been fully decommissioned for the Town to release the bond or terminate Town's rights under the letter of credit. Prior to releasing the bond or terminating Town's rights under the letter of credit, the Town may independently verify whether the site has been fully decommissioned.
- o. Following a continuous 180 calendar day period in which no electricity is generated, the solar energy facility will be considered abandoned/out-of-service and the permit holder will have 180 continuous calendar days to complete decommissioning of the solar farm. If Town of Wadesboro submits a written inquiry as to whether the site is abandoned/out-of-service to the zoning permit holder by certified or registered mail or by placing the written inquiry on the main entrance of the solar energy facility, and the zoning permit holder does not provide a written answer to the Town for 120 continuous calendar days, then the Town may deem the solar energy facility abandoned/out-of-service thereby triggering the decommissioning requirements. Decommissioning must include, but is not necessarily limited to, the following:
  - a. Removal of all facilities, equipment, and components of the solar energy facility of any and all kinds, both above and below ground without exception.
  - b. Removal of all above and below ground foundations, pads, underground wires, cables, electrical components, etc.
  - c. Removal of all hazardous materials from the property and disposition of hazardous materials in accordance with federal, state, and local laws and regulations.

- d. Restoration of site vegetation;
- e. Removal of all access roads (unless landowner desires to keep the access roads);
- f. Proper recycling of equipment used in the facility;
- g. Implementation of effective storm water run-off plan; and
- p. Otherwise returning the property to its original condition prior to the commencement of the solar energy facility related activities on the site.
- q. In the event that the zoning permit holder does not fully decommission the site or otherwise does not comply with the zoning ordinance, the landowner may be held responsible, both separately or jointly, for any costs incurred by the Town related to the site including but not limited to decommissioning costs. Any costs incurred by the Town as it relates to the site shall become a lien on the subject property and shall be collected as taxes and levies are collected.

**SR 28. Yard Sales**

- a. Yard sales are limited to only Fridays and Saturdays between 6:00 AM and 6:00 PM except no yard sale shall occur on a Friday or Saturday where the holidays of Christmas Eve, Christmas, and/or Easter occur on the same weekend.
- b. Setup for yard sales shall occur no earlier than 6:00 AM on authorized yard sale days. All remnants of the yard sale shall be removed no later than 6:00 PM on an authorized yard sale day including Fridays.
- c. The Town shall not require a permit for yard sales.
- d. Individuals conducting yard sales shall be responsible for the prevention of any littering, trespassing, excessive noise, and other negative effects on neighboring properties and shall not, as a result of conducting the yard sale, inhibit the use of the road, street, public driveways, or sidewalks by vehicles or pedestrians. All parking of vehicles shall be done in compliance with all applicable laws and ordinances.

**SR 29. Food Truck & Pushcart Vendor**

- e. A food truck vendor shall not operate within three hundred (300) feet of a property containing a restaurant with a drive-through or curbside service if that

- restaurant is actually open to the public at that particular time without first obtaining the written permission of that restaurant's operator or general manager. A food truck vendor must possess such written permission at all times during such operations and present it to Town staff upon request.
- f. A food truck vendor shall not operate within eight hundred (800) feet of a property containing a restaurant with no drive-through or curbside service if that restaurant is actually open to the public at that particular time without first obtaining the written permission of that restaurant's owner or general manager. A food truck vendor must possess such written permission at all times during such operations and present it to Town staff upon request.
  - g. A food truck vendor shall not operate at a location without first obtaining the written permission from the property owner of the location where the food truck vendor operates. A food truck vendor must possess such written permission at all times during such operations and present it to Town staff upon request. If the food truck is operating on a public right-of-way, the food truck vendor must obey all applicable rules, regulations, and laws.
  - h. A food truck vendor must obtain an annual permit from the town.
  - i. A pushcart vendor must obtain an annual permit from the town.
  - j. A pushcart vendor shall not operate within three-hundred (300) feet of a property containing a restaurant or otherwise directly competing business if that business is actually open to the public at that particular time without first obtaining the written permission of that business' owner or general manager. A pushcart vendor must possess such written permission at all times during such operations and present it to Town staff upon request.
  - k. A pushcart vendor shall not operate at a location without first obtaining the written permission from the property owner of the location where the pushcart vendor operates. A pushcart vendor must possess such written permission at all times during such operations and present it to Town staff upon request. If the pushcart vendor is operating on a public right-of-way, the pushcart vendor must obey all applicable rules, regulations, and laws.
  - l. A pushcart vendor or food truck vendor shall not operate within an area designated for a special event including, but not necessarily limited to, parades and festivals unless the vendor receives additional approval from the Zoning Administrator.
  - m. The Zoning Administrator may temporarily alter, amend, extend, suspend, or otherwise change these rules as it relates to a town-approved special event.
  - n. Food truck vendors and pushcart vendors shall follow all laws and regulations including any applicable federal, state, or local law, regulation, or ordinance.
  - o. No more than two (2) food trucks may operate on lots of under one-half acre. No more than three (3) food trucks may operate on lots of one-half acre to 1 acre. No more than four (4) food trucks are allowed on lots greater than 1

acre. Outdoor seating associated with a food truck is only permitted on lots at least 2 acres in size or greater.

## II-2.6 GENERAL AND DIMENSIONAL STANDARDS

### A. Zoning To Apply To Every Building and Use

1. No building or land shall be used or occupied and no building or part shall be erected, moved, or altered, except in conformity with the regulations for the district in which it is located.
2. No building shall be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to occupy a greater percentage of the lot area, or to have narrower or smaller rear front, or side yards than are required as specified in the regulations for the district in which it is located.
3. No part of a yard or other open space required about any building for the purposes of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.

### B. Only the Principal Building To Be On Any Lot; Lot Must Abut on a Street

1. Every building erected or structurally altered shall be located on a lot, and with the exception of group developments, there shall be not more than one principal building and its customary accessory building on a lot.
2. No building shall be erected on a lot or tract of land which does not have at least twenty-five (25) feet of frontage on a public street or road.

### C. Reduction of Lot Prohibited

No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, or other requirements of this chapter are not maintained.

### D. Obstruction to Vision at Street Intersections

1. In any district, except C-B, within the triangular area formed by joining points (with a straight line) on the center lines of intersection or intercepting streets 60 feet from their intersection, there shall be no obstruction to vision by structures, grade, or foliage other than power or utility poles between a height of three feet and a height of ten feet, measured above the average elevation of the existing surface of each street at the center line.

E. **Front Yard Setbacks**

1. The front yard requirements for the various districts shall not apply to any lot where the front yard coverage on neighboring developed lots is less than the minimum required front yard. This applies only if the developed lots are located wholly or in part within 100 feet of each side of such lot and within the same block and zoning district and fronting on the same street or road as such lot. In such cases, the front yard on this lot may be less than the required front yard, but not less than the average of the existing front yards on the developed lots, provided that the front yard on such lot shall not be less than one-half ( $\frac{1}{2}$ ) of the required front yard.
2. All measurements for front yard and corner side yard shall be made from the public road right-of-way line.

F. **Exceptions to Height Limits**

Roof structures for the housing of communication towers, elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, skylight, towers, steeples, flagpoles, chimneys, wireless masts, water tanks, silos, or similar structures may be erected above the height limits specified in this chapter, but no roof structure or any space above the height limit shall be allowed for the purpose of providing additional floor space for residential or commercial use.

G. **Allowable Encroachments Into Required Yards**

The following may encroach into required setbacks:

- 1) The ordinary projection of sills, belt course, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above mentioned projections shall project into a minimum yard setback more than two (2) feet.

- 2) Uncovered and unenclosed stairs and steps may encroach up to six (6) feet into any required setback but may not be closer than five (5) feet to any property line.
- 3) Bay windows, balconies, open or enclosed fire escapes, fireproofed outside stairways, handicap accessibility ramps and similar features projecting into a minimum yard setback not more than three (3) feet, and the ordinary projections of chimneys and flues may be permitted by the Zoning Administrator where same are so placed as not to obstruct the light and ventilation.
- 4) Awnings may encroach into a required setback up to six (6) feet but shall not encroach into any street planting area or vertically inhibit pedestrian ways such as sidewalks.
- 5) Fences and yard walls may encroach into required setback yards but if higher than three (3) feet, may not be placed within, or obstruct, the site triangle of any public street, private street or driveway. In residential and R-O districts fences and walls shall not exceed a maximum height of three (3) feet between the street right-of-way line and the setback line of the principal building. Fences and wall on other boundaries shall be limited to a maximum height of eight (8) feet. Terraces may encroach into any required setback yard.

H. **Underground Utilities**

Utility and service lines to new development shall be placed underground.

I. **Equipment Screening**

Facilities such as solid waste containers, electrical equipment, HVAC equipment, utility equipment of any kind, outside storage areas for commercial or industrial establishments, etc., which are located on the lot, but which are not contained within the principal building, shall be screened from public view by a 90% opaque screening device. No chain link fencing shall be permitted to fulfill this requirement. Screening shall not apply to one and two-family homes on individual lots.

J. **Water and Sewer Requirements**

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

**K. Double Frontage Lots**

In all Zoning Districts, Double Frontage lots shall provide the minimum yard requirements for front yards along both street fronts.

**L. Projections into Front Yards in Commercial and Industrial Districts**

In commercial and industrial districts, open, unenclosed gasoline pump canopies, gasoline filling and related equipment and similar facilities may project into one-half (1/2) the front yard setback requirement for the district.

**M. Class C Mobile Homes Prohibited**

After the effective date of this Ordinance, no Class C Mobile Homes shall be placed in the jurisdiction of this Ordinance nor shall any Class C Mobile Home that is existing within the jurisdiction of this Ordinance be moved, and placed at any other location within the jurisdiction of this Ordinance.

**N. Use of Mobile Homes for Storage Prohibited**

The use of mobile homes, travel trailers or truck trailers for storage purposes shall be expressly prohibited in all zoning districts.

**O. Temporary Buildings**

Temporary buildings, including mobile structures, incidental to a construction project may be permitted to be used concurrent with the permit for permanent building(s) or construction. Such temporary building shall be removed promptly upon completion of construction. No such building shall be used for dwelling purposes. Temporary buildings shall be located at least 25 feet from any property used for residential purposes.

**P. Sidewalks Required on US Highway 74 and US Highway 52**

Sidewalks shall be required along the highway frontage for any property fronting on US74 or US52 that requires site plan approval under the terms of this Ordinance or subdivision approval under the Subdivision Ordinance.

**Q. Accessory Buildings and Structures**

No accessory building shall be placed in the front yard. In the residential districts all accessory buildings shall be placed in the rear yard and shall not cover more than thirty percent (30%) of the rear yard area. In no case shall accessory building floor space exceed fifty percent (50%) of the floor space of the principal building. All accessory buildings shall be set back a minimum of ten (10) feet from any property line and on corner lots shall observe the corner lot setback for the district in which located.

**R. Minimum Regulations**

Regulations set forth by this Ordinance shall be minimum regulations. If the requirements set forth in this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or ordinance, the more restrictive or higher standards shall govern.

**S. Fees**

Applicants for permits and other procedures as provided for by this Ordinance may be required to pay such fees as may be established by the Town Council in the Schedule of Fees and Charges.

**T. District Dimensional Standards (See Table on Next Page)**

**Article II-2.7 OFF-STREET PARKING AND LOADING**

**II-2.7.1 Off-Street Parking Requirements**

There shall be provided at the time of the erection of any building, or at the time any principal building is enlarged or increased in capacity by adding Dwelling Units, guest rooms, seats, or floor area; or before conversion from one type of use or occupancy to another, permanent off-street parking space in the amount specified by this Section. Such parking space may be provided in a parking garage or parking lot constructed in accordance with this Section. Off-street parking shall not be required in the C-B District.

A. Certification of Minimum Parking Requirements

Each application for Zoning Permit submitted to the Zoning Administrator as provided for in this Ordinance shall include information as to the location and dimensions of off-street parking and the means of entrance and exit to such space. This information shall be in sufficient detail to enable the Zoning Administrator to determine whether or not the requirements of this Article are met.

B. Definition of a Parking Space

The storage space of one (1) automobile. The size of a parking space shall be in accordance with geometric design principles for the type space and lot. (See Table I, Geometric Design Standards.)

C. Minimum Off-Street Parking Requirements

The following off-street Parking Space shall be required:

**Classification**

**Off-Street Parking Requirement**

(Any fractional space e.g., 47.3 shall be considered the next whole number, e.g., 48)

<b>Residential</b>	
Housing designed for and used by the elderly	1 space per 2 dwelling units
Incidental home occupations	1 space in addition to the residential requirement
Multi-family residences, including townhouses	2 spaces per dwelling unit

Congregate care	1 space per two beds 1 space per 2 dwelling units
Single-family & two-family residences (may be in a single drive with one car behind the other)	2 spaces per dwelling unit
<b>Commercial and Industrial:</b>	
Auto service station and/or repair shops	3 spaces per service bay, plus 1 space per wrecker or service vehicle and 2 spaces per gas dispenser
Auto sales	3 spaces plus 1 space per 400 square feet of building area devoted to sales
Bank and consumer financial services	1 space per 200 square feet gross floor area
Barber & beauty shop and other similar personal services	2 spaces per operator
Car washes	3 spaces per service bay
Delivery, ambulance, taxi and other similar services	1 space per vehicle, plus 1 space for each 2 employees
Drive-through service such as banks, drive through restaurants, automobile service stations, dry cleaners, car washes and similar uses (in addition to Use Requirements)	Stacking for 4 vehicles at each bay window or lane
Dry cleaners or laundries (self-service)	1 space per 4 rental pieces of equipment
Eating establishments and nightclubs serving meals	5 spaces, plus 1 for every 3 seats
Fire Stations	1 space per person on duty on an average shift
Hotel, motel, motor court and similar uses	1 space per unit, plus 2 spaces per 3 employees on a normal shift
Mobile home sales	5 spaces, plus 1 space per 10,000 square feet of gross land area
Manufacturing, industrial, warehousing & wholesaling	1 space per 2 employees on the largest shift
Post offices	1 space per 200 square feet of public service area, plus 2 spaces per 3 employees on the largest shift
Retail sales except those listed below	1 space per 200 square feet of gross floor area

Retail sales of bulky items which require large amounts of floor space to the number of items offered for sale such as antiques, appliances, art, bicycles, carpet, floor covering, furniture, motorcycles, paint, upholstery and similar uses	1 space per 300 square feet of gross floor area
Retail uses dealing primarily in service and/or repair	1 space per 300 square feet of gross floor area
Designed shopping centers	4 spaces per 1,000 square feet of gross floor area (optional to computing parking on a store by store basis)
Radio, TV stations	2 spaces per 3 employees on the largest shift
Transportation terminals such as airports, bus terminals and railroad passenger stations	1 space per 4 seating accommodations for waiting passengers, plus 1 space for each 2 employees on the largest shift
Wholesale with related retail	1 space per 3 employees on the largest shift, plus additional spaces per square foot of gross floor area devoted to retail sales as applicable from "Retail Sales" schedule above
<b>Office and Institutional:</b>	
Bed and Breakfast Inn	2 spaces plus 1 space per room for rent
Care facilities 6 or less persons	1 space per teacher or staff, plus space for 1 car drop-off and pick-up
Care facilities more than 6 persons	1 space per teacher or staff, plus stacking for 4 cars for drop-off and pickup or stacking for 1 car per 10 persons, whichever is greater
Churches	1 space per 4 seats in the largest assembly room
Dormitories	1 space per 4 beds
Fraternity, sorority houses	1 space per 2 beds
Elementary and junior high schools	5 spaces, plus 1 space per teacher or staff
Funeral homes	1 space per 4 seats in the main chapel / or if no main chapel, 1

	space per 300 feet of gross floor area
General offices	1 space per 200 square feet of net rentable area (net rentable area shall be considered to be 80% of gross floor area unless otherwise shown by applicant)
Hospital, nursing and convalescent homes	1 space per 4 beds, plus 1 space per staff doctor and other medical practitioners
Library, museum and art galleries	1 space per 300 square feet of gross floor space.
Medical, dental and similar offices	4 spaces per doctor or practitioner plus one for each employee
Nursing, convalescent homes designed and used primarily for the elderly	1 space per 6 beds, plus 1 space per staff doctor or practitioner
Orphanage, juvenile homes	1 space per 4 beds
Senior high schools, trade and vocational schools, colleges and universities	1 space per 5 students and 1 space for each employee
Auditoriums, stadiums, assembly halls and gymnasiums located on a high school, college or university campus	1 space per 12 fixed seats and 1 space per 12 movable seats in largest assembly room
<b>Recreation:</b>	
Amusements, dance halls, nightclubs not serving meals	1 space per 3 persons in designed capacity, plus 2 spaces per 3 employees on the largest shift
Auditoriums, stadiums, assembly halls, convention centers, gymnasiums, fraternal or social clubs or lodges, community recreation center	1 space per 3 fixed seats and 1 space per 3 movable seats in the largest assembly room
Bowling alleys	4 spaces per lane
Golf courses	4 spaces per tee
Indoor movie theaters	1 space per 3 fixed seats and 1 space per 3 movable seats
Public swimming pools	1 space per 100 square feet of water area and deck
Recreation uses such as golf driving range, miniature golf, tennis, billiards or pool centers or similar uses	2 spaces per tee, green, court and/or other method of participation however styled
Recreation facilities such as community center, swimming pool, tennis courts, and	1 space per 25 memberships or tenants

similar activities when located in conjunction with a townhouse, condominium, group housing or homeowner association development	

D. Combination of Required Parking Spaces

The required parking spaces for any number of separate uses may be combined in one lot or parking structure, but the required parking spaces assigned to one use may not be assigned to another use at the same time.

E. Lighting

Lighting shall conform to the requirements of Section II-2.10.

F. Remote Parking

On all off-street parking lots, the required space shall be provided on the same plot with the use or on a lot separated therefrom by not more than four hundred (400) feet, except for residential uses which must be provided on the same plot.

Where provision of required off-street parking for a building or other uses established subsequent to the adoption of this Section involves one (1) or more parcels or tracts of land that are not a part of the plot on which the principal use is situated, the applicant for a permit for the principal use shall submit with his application for a Zoning Permit an instrument duly executed and acknowledged, which subjects the parcels or tracts of land to parking uses in connection with the principal use for which it is made available. The applicant shall cause said instrument to be registered in the office of the Register of Deeds upon the issuance of a Zoning Permit.

Parking in one Zoning District in connection with a use not permitted in that strict shall be permitted in accordance with the following:

Any use in any Zoning District with a lower or the same number may park in any District with a higher or the same number.

- |         |        |
|---------|--------|
| 1. R-20 | 4. N-B |
| 1. R-10 | 5. C-B |
| 1. R-8  | 6. G-B |

- |    |     |    |     |
|----|-----|----|-----|
| 2  | R-6 | 7. | L-I |
| 3. | R-O | 8. | H-I |

In addition, any use located in one Zoning District which is also a permitted use in another Zoning District may also park in such other Zoning District in which the use is permitted.

G. Parking Lot Improvement, Design and Locational Requirements

All off-street parking lots including exits, entrances, drives and parking areas shall:

1. Be designed to allow for traffic movement in accordance with the geometric design principles of Table 1.
2. Have physical access to a public street.
3. Be so designed that all access to public street is by forward motion.
4. If required parking, be paved and maintained with concrete, asphalt or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights. (Industry approved porous pavement may be used.) If not required to be paved, be graded, properly drained, stabilized and maintained to prevent dust and erosion.
5. Be continuously provided and maintained as long as the use which they serve exists.

Any driveway connecting to a public street from a parking lot for six (6) or more cars that is not required to be paved shall be treated with a hard surface for the portion of the driveway within twenty (20) feet of the public street travelway. See Section II-2.9 for additional landscaping and development standards for parking.

**II-2.7.2 Off-Street Loading Requirements**

Every structure or building used for trade, business or industry hereafter erected, except in the C-B District, shall provide space as indicated herein for the loading, unloading and maneuvering space of delivery vehicles off the street or public alley. Such space shall have access to a public alley, private driveway, or if such cannot reasonably be provided, to a public street. For the purpose of this Section an off-street loading space (exclusive of adequate access drives and maneuvering space) shall have a minimum dimensions of twelve (12) feet by forty (40) feet and

an overhead clearance of fourteen (14) feet in height above the alley or street grade.

<u>Type of Use</u>	<u>Required Off-Street Loading Spaces</u>
Retail Business	1 space for each 20,000 square feet of gross floor area or fraction thereof
Wholesale and Industries	1 space for each 20,000 square feet of gross floor area or fraction thereof
Office and Institutions	1 space for each 50,000 square feet of gross floor area or fraction thereof

## **II-2.8 Sign Regulations**

### **II-2.8.1 General Provisions**

The following general provisions shall apply to signs within the jurisdiction of this Ordinance.

#### **(A) In General**

The regulations in this Section specify the number, types, sizes, heights, and locations of signs which are permitted within the jurisdiction of this Ordinance. It shall be unlawful for any person to erect, place, alter or maintain a sign in the jurisdiction of this Ordinance except in accordance with the provisions of this Section.

#### **(B) Determination of Sign Copy Area**

In measuring the copy area of a sign permitted under this Section, the entire face of the sign shall be included. Where both sides of a double-faced sign contain lettering or other allowable display, one side only shall be used to compute the allowable copy area of the sign. Where the sign consists of individual letters, numbers, characters, figures or displays attached in some manner to a building or a sign face of irregular shape, the sign copy area shall include the area of the smallest circle, square or rectangle that can encompass the total sign area composed of letters, numbers, characters, figures, or displays or the irregular shaped sign face. Where signs have appendages or additions, such as "pop-ups" or "cutouts" that extend beyond the main sign copy area, the area of such appendages or additions shall be measured separately, but included in the total sign copy area. Also to be included in the total sign copy area shall be any area designed for changeable copy. Where allowed, portable signs shall be counted toward permitted maximum total aggregate sign copy area and maximum number of freestanding signs on each public street.

#### **(C) Determination of Sign Height**

The height of a sign erected within 30 feet of a street right-of-way line shall be the distance from the grade level of the nearest edge of the street to the top of the sign or sign structure, whichever is greater. The height of all signs farther than 30 feet from a street right-of-way line shall be the distance from the grade level where the sign is erected to the top of the sign or sign structure, whichever is greater.

(D) Determination of Sign Setback; Freestanding Sign Setback

In determining setback, measurement shall be made from the nearest edge of pavement or curb. All freestanding signs shall setback a minimum of five (5) feet from the nearest edge of pavement or curb, but in no case shall be located in the street right-of-way.

(E) Protection Under First Amendment Rights

Any sign, display, or device allowed under this Section may contain, in lieu of any other copy, any otherwise lawful noncommercial message which does not direct attention to a business operated for profit, or to a commodity or service for sale; provided that such sign complies with the size, lighting, spacing, setback and other requirements of this Section. This includes signs requiring and not requiring a Development Permit.

(F) Illuminated Signs

Signs, which are illuminated from within or from an external source must be illuminated in a manner that avoids glare or reflection which in any way or manner interferes with traffic safety. Any external source of illumination, such as spotlights or floodlights shall be placed so that the source is not directly visible from any adjacent residential zoning districts and shall be beamed downward.

(G) Development Permit Required

With the exception of those signs specifically exempt from requiring a certificate, it shall be unlawful for any person to print, paint, stand, stain, engrave, construct, place, erect, illuminate, attach, suspend, enlarge, move, relocate, replace or otherwise put into use or materially alter any sign or cause the same to be done, without first obtaining a development permit for such sign from the Zoning Administrator.

Notwithstanding the above, changing or replacing the permanent copy of an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this Ordinance.

(H) Construction Standards

All signs shall be constructed according to the requirements of Chapter 23 of the State Building Code, as amended.

(I) Maintenance Required

Every sign and its support, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept in a state of good repair and aesthetic condition, free from defective, rusting, or missing parts (i.e. broken sign facing, broken supports, loose appendages or struts, disfigured, cracked, ripped or peeling paint or poster paper) or missing letters or numbers and shall be able to withstand the wind pressure as prescribed in the North Carolina Building Code. Illuminated signs shall not be allowed to operate with only partial illumination. The area within ten feet in all directions of the base of a freestanding sign shall be kept clear of debris and undergrowth.

Signs that are structurally unsafe and thereby endanger the public safety shall be removed unless they are repaired and made to comply with the requirements of Chapter 23 of the State Building Code, as amended.

The message of a sign face may be changed at any time.

(J) Dangerous or Unsafe Signs

If the Zoning Administrator shall find that any sign is dangerous or is menace to the public, he shall give written notice of such violations to the owner of the sign, or by leaving said notice with the manager or other person who is apparently in charge of the premises or by affixing a copy of the notice to the sign, sign structure or building for a period of five (5) days. The notice shall set forth the nature of the violation and order the violator to repair the sign in such a manner to be approved by the Zoning Administrator in conformance with the provisions of this Section or remove the sign forthwith in the case of imminent instability or immediate danger of falling, and in any case within ten (10) days of receipt.

If within ten (10) days the notice is not complied with, the Zoning Administrator shall have the authority to remove the sign at the recipient's expense and to destroy or otherwise dispose of same.

In cases of emergency, the Zoning Administrator may cause the immediate removal of a dangerous or unsafe sign without notice.

(K) Removal of Discontinued Signs

If a sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign and sign structure including, but not limited to, the supporting braces, anchors or similar components shall be considered discontinued regardless of reason or intent and shall, within one (1) year after such discontinuation, be removed by the owner of the property where the sign is located. This Section shall not be construed to prevent the changing of the message of a sign.

(L) Removal & Disposal of Signs in Right-of-Way

The Zoning Administrator shall possess the authority to remove and destroy or otherwise dispose of any sign unlawfully placed within the right-of-way of any street.

**II-2.8.2 Signs Expressly Prohibited**

The following signs, components and characteristics are expressly prohibited within all zoning districts:

(A) Simulated Public Safety, Warning or Traffic Signs

Signs by their location, color, illumination, size, shape, nature, message or appearance tend to obstruct the view of or be confused with official traffic, safety or warning signs or lights or other devices erected by governmental agencies. This prohibition includes signs having no bonafide safety necessity, involving the terms "CAUTION", "DANGER", "SLOW", "STOP" OR "YIELD", or which utilize geometric figures, symbols, lights, location or message not unlike official traffic, safety or warning signs, signals or lights. Provided, however, this provision is not intended to prevent the placement on private property of signs with "stop", "yield" or other such wording or design where such is necessary for traffic control or other such legitimate notice to the public.

(B) Snipe Signs

Signs placed upon or attached to any curb, sidewalk, post, fence, hydrant, bridge, another sign or other surface, public bench, streetlight, or any tree, rock or other natural object located on, over or across any public street or public property or on any utility pole. Provided, however, this provision shall not apply to the posting of public interest, security and warning signs nor to street signs placed upon poles by governmental units for designating the names of streets.

(C) Flashing Signs

Signs or devices with flashing, intermittent, animated or changing intensity of illumination. Provided, however, traffic signals, railroad crossing signals and other official warning or regulatory signs and electronically controlled message centers or reader boards where different copy changes, involving alphabetical or numerical characters only, present messages of a public service or commercial nature shall not be considered flashing signs, as long as such signs comply with the provisions of this Ordinance

(D) Motion Signs

Signs or devices designed to attract attention, all or any part of which use movement or apparent movement by fluttering, revolving, rotating, spinning, swinging, animation or moving in some other manner and are set in motion by movement of water or the atmosphere or by mechanical, electrical or any other means including signs carried by or mounted on persons or animals. This shall not apply to authorized temporary signs.

(E) Signs Below Minimum Clearance

Signs, marquees, canopies and awnings with vertical clearance of less than nine (9) feet above sidewalks and pedestrian areas and less than fourteen (14) feet above parking or vehicular passage areas.

(F) Vehicle Signs

Signs placed upon, painted on, attached to or displayed on parked vehicles or trailers, where the primary purpose of the vehicle or trailer is to advertise a product or business or to direct people to a business or activity.

(G) Signs Obstructing Motorist Visibility

Signs that substantially interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads or driveways or that obstruct the motorists view of approaching, merging or intersecting traffic including, but not limited to, signs in excess of three (3) feet in sight visibility triangles.

(H) Signs in Rights-of-Way

Any sign erected in or over any public right-of-way except for signs allowed to project in the C-B District by encroachment agreement; major special event signs by special permit; and governmental signs.

(I) Signs Emitting Glare

Signs with light sources or reflectivity of such brightness that result in glare, blinding or any other such adverse effect on motorist vision or into or upon any residential building not related to the signs; or which interfere with the effectiveness of, or obscures an official traffic sign, device or signal.

(J) Pennants or Streamers, Illuminated Tube Lights

Pennants, streamers, flags, and lights consecutively strung together including tube lighting outlining buildings and property.

(K) Obscene Signs

Signs containing words or graphics that are obscene, as defined in North Carolina General Statute 14-190.1.

(L) Off-Premises Signs

A sign or Structure, pictorial or otherwise, regardless of size or shape that draws attention to or communicates information about a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity that exists or is conducted, manufactured, sold offered, maintained or provided at a location other than on the premises where the sign is located. A “billboard”. This definition does not include governmental, traffic, directional, or regulatory signs or notices of the federal, state, county or town government or their public agencies or off-premises signs specifically permitted by this Section.

(M) Projecting Signs

Signs which project from and are supported by a building or other structure into the public right-of-way only when such projection is greater than twelve (12) inches unless by encroachment agreement.

(N) Roof Signs (Above Roof Line)

Signs erected in whole or in part on, upon or over the roof or parapet of a building or structure and which is wholly or partially dependent upon the roof of the building or structure for support.

(O) Electronically Changeable Copy

Electronically changeable copy signs except as specifically regulated by this Article. This prohibition does not include time, date and temperature signs which display such information only, and in the natural numerical progression and governmental information signs.

(P) Certain Illuminated Signs

Internally illuminated signs in the R-O and Residential Districts.

(Q) Unspecified Temporary Signs

Temporary signs not expressly permitted by this Section.

(R) All Other Signs not Specifically Permitted

Other signs not expressly allowed by this Section.

**II-2.8.3 Signs Permitted Without A Development Zoning Permit**

The following signs and devices shall be permitted without the issuance of a Development Permit.

(A) Public (Governmental, Utility) Signs

Signs erected by, on behalf of, or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic warning, directional or regulatory signs.

Official signs of a non-commercial nature erected by public utilities, including safety, warning and informational signs.

(B) Warning (Health, Safety, Hazard) Signs

Temporary or permanent signs erected by government agencies, public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices or signs providing directions around such conditions.

(C) Signs Not Legible Off-Premises

Signs which are not legible from the boundaries of the lot or parcel upon which they are located, or from any public thoroughfare or right-of-way.

(D) Flags (non-advertising) (non-informational)

Flags except when such are used in connection with a commercial promotion or as an advertising device or as an integral part of a sign regulated under this Section; provided such flags are displayed on permanent pole structures. Failure to display such flags in a manner, which meets Congressional protocol, will be a violation of this Ordinance.

Plain flags with no advertising or information provided such flags are displayed on permanent pole structures and are properly maintained. Proper maintenance shall not permit flags which are torn, ripped, frayed, separated from their grommets or incompletely affixed to their pole structures.

All flags used in connection with a commercial promotion as an advertising device or as an integral part of a commercial sign must comply with the regulations of this Section for area, height, number and location.

(E) Incidental Object or Product Signs

Small decals consolidated and affixed to window or door panes, such as indicating membership in a business group or credit cards accepted at the establishment and small, incidental logo decals attached to vehicular entrance/exit signs.

Any sign, painted or affixed to an object or product, where the sign is clearly

incidental and accessory to the primary use and purpose of the object or product including, but not limited to, product dispensers and point of purchase displays for newspapers, soft drinks, gasoline, ice, telephone, ATM or similar items which indicate the contents of the machine, the name or logo of the supplier, the price and/or operating instructions.

(F) Signs required by law

Legal notices and signs required by law, statute or ordinance.

(G) Transportation facilities signs

Informational signs indicating bus stops, taxi stands, train stations and similar transportation facilities.

(H) Campaign signs at polling places

Political signs displayed at polling places provided they are displayed in compliance with general law only on the day of the election is held and must be removed within seventy-two (72) hours of the close of voting.

(I) Street numbers

Display of street numbers on residential and non-residential buildings, structures and mailboxes.

(J) Handicapped Signs

Handicapped signs as required by the Americans With Disabilities Act.

(K) Window Signs

Signs placed on or attached to the interior side of a window or door glass of a building by means of adhesive, paint or manufacturing process intended for viewing from the exterior of such buildings; or a sign within a building, placed no more than twelve (12) inches behind the window which is visible through the window.

(L) Temporary Signs

Temporary signs subject to the following limitations:

Type	No.	Maximum Copy Area (sq. ft.)	Maximum Height if Freestanding (vert. ft.)	Maximum Display Time
Temporary (Grand Opening)	1	32	10	Once for 30 days
Temporary (Going out of Business)	1	32	10	Once for 30 days
Temporary (Special event of civic or non-profit organization)	2	32	8	30 days prior to event
Temporary (Remodeling / Repair)	1	4	6	Until work completed or permit expires
Temporary Signs for Holidays & Special Events (See Section II-2.8.11)				
Temporary (Construction – one or two family dwelling)	1	4	6	Until construction completed or permit expires
Temporary (Construction – other than one or two family dwelling)	2	32	14	Until construction completed or permit expires
Temporary (Construction announcement)	2	32	14	Until building permit issued
Temporary (Political)	-	32	14	60 days prior to election and 5 days following
Temporary On-Premises (real estate sale/lease/rent of one or two family dwelling or lot)	1	6	6	Until sale closed or rent / lease transaction finalized
Temporary Off-Premises (real estate sale/lease/rent of one or two family dwelling or lot)	1	3	4	Until sale closed or rent / lease transaction finalized
Temporary On-Premises (real estate sale/lease/rent of other than one or two family dwelling or lot)	2	32	12	Until sale closed or rent / lease transaction finalized
Temporary Off-Premises (real estate sale/lease/rent of other than one or two	4	6	6	Until sale closed or rent / lease transaction

family dwelling or lot)				finalized
Temporary (non-residential) (i.e. commercial, industrial)	2	32	10	45 days in any consecutive 90-day period

Temporary signs which do not meet the provisions of this Subsection shall be considered in violation of the Ordinance. Only Temporary (political), Temporary (real estate), and Temporary (special event of a civic or non-profit organization) signs shall be permitted off-premises. No temporary sign shall be illuminated. Temporary signs shall be removed within five (5) days from the date the purpose for such sign ceased to exist.

(M) Miscellaneous Signs

Miscellaneous signs subject to the following limitations:

<u>Type</u>	<u>Maximum No.</u>	<u>Maximum Copy Area (sq. ft.)</u>	<u>Maximum Height if Freestanding (vert. ft.)</u>
Public Interest, Security Warning (No trespassing, soliciting, hunting or fishing/posted/private parking/danger/warning)	-	1	4
Home Occupation	1	3	4
Open/Closed/Hours	2	2	6
Permanent Professional or Business Announcement (Wall)	1	2	-
Building Memorial (Wall)	1	2	-
Philosophical, Religious, Educational or other Non-Commercial	2	2	4
Occupant/Address	2	2	6

(Ground or Wall)

Private Drive	1	2	6
Informational/Instructional (Traffic directions, restrictions or arrows, entrance, exit, location of restrooms, public telephones, parcel pick-up, freight or service entrances, parking/ loading areas and the like)	-	10	4

Miscellaneous signs which do not meet the provisions of this Section, shall be considered in violation of the Ordinance. Only Private Drive signs shall be permitted off-premises. No miscellaneous signs shall be illuminated.

**II-2.8.4 Signs Permitted with a Development Permit in All Zoning Districts**

The following signs are permitted in all zoning districts upon issuance of a Development Permit provided that stated specific requirements, conditions and stipulations are met:

- (A) All signs permitted without a Development Permit.
- (B) On-premises signs identifying a single-family residential subdivision; apartment, townhouse, condominium or other multi-family residential complex; recreational facility or manufactured home park not exceeding thirty-two (32) square feet in area. There shall be a limit of one (1) double-faced sign or two (2) single-faced signs for each road or driveway entrance to the development named on the sign. Such signs shall be limited to the name and the address of the premises and the on-site address and phone number of the resident agent and may be directly or indirectly illuminated. In addition one (1) identifying sign for an accessory management or rental office not exceeding six (6) square feet shall be permitted.
- (C) One (1) on-premises identification sign or bulletin board for each road or driveway entrance indicating the name and/or address of the premises, schedule of services or activities, hours of operation, name of person(s) in

authority, founding date of the organization or other information relevant to the operation of a school, college, park, public swimming pool, church, synagogue or other place of worship, hospital, sanitarium, art gallery, museum, library, YMCA, YWCA, community building, recreation center, coliseum or convention center, not to exceed thirty-two (32) square feet in area to be located on private property where the use occurs. Such signs may be directly or indirectly illuminated. An on-premises sign for a college, university, hospital, coliseum or convention center may exceed thirty-two (32) square feet in area if approved by the Town Council as a special exception when the Council finds that the size and scale of said sign will be in keeping with the size and scale of the development and will not be detrimental to the surrounding properties.

- (D) Signs not exceeding thirty-two (32) square feet in area advertising the sale of subdivision lots, not more than one (1) sign to be located on private property at each major approach to the subdivision; provided that the display of such signs shall be limited to a six-month period or until seventy-five percent (75%) of the lots are sold, whichever comes first, and may not be illuminated.
- (E) One (1) on-premises ground or wall sign not exceeding thirty-two (32) square feet in area for a legal non-conforming use in a residential zoning district in which it is located. Illumination of such signs shall be permitted only between sunrise and 10:00 pm.
- (F) On-premises signs identifying private country clubs, golf courses, swimming/tennis clubs, equestrian centers, lakes, cemeteries and similar facilities operated on a profit or non-profit basis not exceeding thirty-two (32) square feet in copy area. There shall be a limit of one (1) double-faced sign or two (2) single-faced signs for each road or driveway entrance to the facility. Such signs shall be limited to the name, address, founding date and hours of operation and may be directly or indirectly illuminated.
- (G) One (1) on-premises identification sign for a convalescent home, nursing home, home for the care of children, medical clinic or dental clinic not exceeding twenty (20) square feet in copy area. Such sign shall be limited to the name and address of the home or clinic and may be directly or indirectly illuminated.
- (H) Signs which denote religious, charitable, fraternal, military or service organizations may be freestanding and may be located off-site, provided, however, that no one (1) individually chartered organization may have more

than one (1) off-premises sign, which sign shall not be illuminated. A sign denoting a single chartered organization shall not exceed four (4) square feet in area. A number of such signs may be placed on one structure, provided, however, the copy area of each individual sign does not exceed three (3) square feet in copy area and the structure does not exceed thirty-two (32) square feet in copy area.

All freestanding signs permitted by this Section in all zoning districts shall have a maximum height limit of eight (8) feet and shall have a minimum setback of five (5) feet from any public right-of-way.

### **II-2.8.5 Signs for Permitted Non-Residential Uses Permitted in Residential Districts**

Signs for permitted non-residential uses in residential districts, other than those permitted with a zoning permit in all districts under the provisions of Section II-2.8.4, shall be permitted under the provisions of the most restrictive non-residential district in which the uses are permitted except that sign copy area may not exceed 75% of the maximum size allowed.

### **II-2.8.6 General Rules for Signs Permitted in the C-B, N-B, G-B, R-O, L-I and H-I Zoning Districts**

Note: Where a development contains more than one principal establishment, in one or more principal buildings, the provisions shall apply to the development as a whole, and the owner(s) of the development shall be responsible for allocating permitted signs and display areas among the individual uses or establishments.

#### **(A) Freestanding Signs**

On premises freestanding signs may be erected and displayed on a zoning lot in compliance with the maximum dimension limitations for the district and provided:

1. Freestanding signs shall be limited to one sign per street frontage for each zoning lot. When more than one sign is permitted a fifty (50') foot separation shall be observed.
2. No freestanding sign shall be located closer than twenty (20') feet to a projecting sign;

3. Freestanding signs shall clear driveway and parking areas by a height of at least fourteen (14') feet and shall clear sidewalks and pedestrian paths by a height of at least nine (9') feet' and

(B) Projecting Signs

On premises projecting signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface limitations for the district and provided:

1. The building to which a projecting sign is attached shall be twenty (20') feet or more in width;
2. Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than thirty (30') feet to any other projecting sign;
3. No projecting sign shall be located closer than twenty (20') feet to a freestanding sign;
4. Projecting signs shall clear sidewalks and pedestrian paths by a height of at least nine (9') feet and shall project no more than five (5') feet from the building to which they are attached; shall not extend beyond the inner edge of the curb line; and shall not extend closer than five (5') feet to any public street right-of-way.
5. No projecting signs shall not be located at the intersection of building corners except at right angles to a building facade.

(C) Wall Signs

On premises wall signs may be erected and displayed on a zoning lot in compliance with the requirements below:

1. Posters and paper signs displayed on or through windows are exempt;
2. Wall signs placed in the space between windows on different stories of a building shall not exceed in height two-thirds (2/3) of the distance between the top of a window and the sill of the window above;

3. A wall sign shall not protrude more than twelve (12") inches from the wall to which it is attached
4. No wall sign shall extend above the soffit, parapet, or eave line, as appropriate of the building to which it is attached;
5. Wall signs or portions thereof, placed between window spandrels shall not exceed in height two-thirds (2/3) the height of the spandrel;
6. Wall signs on the side of buildings adjacent to lots zoned residential are permitted only when the building is at least fifty (50') feet from the side lot line of the residential lot; and

(D) Marquee or Awning Signs.

1. Signs hung below a marquee or awning shall be no more than ten (10") inches high and three (3') feet long;
2. Marquee and awning signs shall not be illuminated; and
3. Signs below a marquee or awning shall not be less than nine (9') feet above the ground or sidewalk

(E) Electronically Changeable Copy Signs

On premises electronically changeable copy signs may be permitted in the G-B, L-I and H-I districts on a freestanding or wall sign subject to the following limitations:

1. The freestanding or wall sign shall be in conformance with the dimensional and locational provisions of this Article.
2. The message or display shall not scroll, appear to pulsate, or run continuously in the travel mode, or display any animation. Any message or display shall remain stationary for a minimum of fifteen (15) seconds.
3. Only electronically changeable copy sign shall be permitted per development.

**II-2.8.7 Signs Permitted in the C-B District**

- (A) Type: On Premises Freestanding, Projecting, Wall and Marquee or Awning.
- (B) Total Sign Surface Area: One-half (1/2) square foot of sign surface area per linear foot of lot street frontage.
- (C) Freestanding Sign Surface Area: 60 square feet maximum.
- (D) Wall Sign Surface Area: A maximum of twenty (20) percent of the vertical area of any wall not to exceed 200 square feet per wall.
- (E) Freestanding Sign Height: 15 feet maximum.
- (F) Marquee or awning signs may project over the sidewalk provided that:
  - 1. The Town approves an encroachment agreement.
  - 2. The height above the sidewalk shall be at least nine (9) feet.
  - 3. The marquee or awning does not extend beyond the inner edge of the curb line.
  - 4. Signs hung below a marquee or awning shall be no more than ten (10) inches high and three (3) feet long. Signs mounted on a marquee or awning shall not exceed twenty (20) percent of the vertical surface of the face of the marquee or awning upon which the sign is mounted.

**II-2.8.8 Signs Permitted in the N-B and R-O Districts**

- (A) Type: Freestanding, Projecting, Wall, and Marquee or Awning.
- (B) Total Sign Surface Area: One-half (1/2) square foot sign surface area per linear foot of lot street frontage.
- (C) Freestanding Sign Surface Area: 60 square foot maximum.
- (D) Wall Sign Surface Area: A maximum of twenty (20) percent of the vertical area of any wall not to exceed 200 square feet per wall.
- (E) Freestanding Sign Height: 15 feet maximum

**II-2.8.9 Signs Permitted in the G-B, L-I and H-I Districts**

- (A) Type: On Premises Freestanding, Projecting, Wall, and Marquee or Awning
- (B) Total Sign Surface Area: One (1) square foot of sign surface area per linear foot of lot street frontage.
- (C) Freestanding Sign Surface Area: 85 square feet maximum
- (D) Wall Sign Surface Area: A maximum of twenty-five (25) percent of the vertical area of any wall not to exceed 250 per wall.
- (E) Freestanding Sign Height: 25 feet maximum
- (F) Electronically Changeable Copy Sign: Subject to the limitations and requirements of Section 275(e).

**II-2.8.10 Additional Freestanding Sign Surface Area for Common Sign**

One combined or common permanent on-premises freestanding sign for multiple establishments on a single development shall be allowed for each public street and may exceed the maximum copy area for freestanding signs above by the following percentages:

- 2 – 10 establishments – up to 25%
- 11 – 20 establishments – up to 50%
- 21 – 30 establishments – up to 75%
- 31 – 40 establishments – up to 100%
- 41 – 50 establishments – up to 125%
- 51 or more establishments – up to 150%

Other signs for each individual establishment shall be in accordance with this Article.

**II-2.8.11 Signs Permitted By Special Permit**

The following signs are permitted only by special permit issued by the Town Manager and shall conform to all stated regulations and to all conditions and requirements imposed by the Town Manager in issuing the special permit.

- (A) Festival and Major Special Event Signs: For the purpose of giving directions and information, temporary on-premises and off-premises signs

pertaining to festivals and other major special events are permitted with approval by the Town Manager subject to a special permit specifying number, size, location, lighting, design, display, and duration.

### **II-2.8.12 Non-Conforming Signs**

The following requirements are established to regulate non-conforming signs:

- (A) Conformance Required: Any sign legally in use prior to the effective date of this ordinance or any amendments hereto which does not satisfy the requirements of this ordinance is declared to be non-conforming and may be continued subject to regulations of this Section

The eventual elimination, as expeditiously and fairly as possible, of non-conforming signs is as much a subject of health, safety and welfare as is the regulation of signs.

- (B) Regulations of Non-Conforming Signs: A non-conforming sign may be continued but it shall not be:

1. Changed or replaced with another non-conforming sign, except that copy may be changed.
2. Expanded or modified in any way which increases the sign's non-conformity; or may illumination be added.
3. Moved except to bring the sign into complete conformity with this Section.
4. Re-established once the sign structure has been removed.
5. Re-established after damage or deterioration as defined in Section II-2.8.12.D.
6. Re-established after it has been discontinued regardless of reason or intent for one hundred-twenty (120) days or more.

- (C) Illumination of Signs for Legal Non-Conforming Uses

Signs for legal non-conforming uses in residential districts shall be illuminated only between sunrise and 10:00 p.m.

(D) Damaged or Deteriorated Non-Conforming Signs

If a non-conforming sign suffers more than fifty percent (50%) of its value by damage or deterioration, it must be brought into conformance with this ordinance if permitted, or removed. The value shall be determined by the Zoning Administrator or his designee as the depreciated replacement value of the sign.

(E) Maintenance of Non-Conforming Signs

Non-conforming signs shall be subject to all requirements of this ordinance regarding safety, maintenance and repair. Non-conforming signs shall be maintained in good condition including necessary non-structural repairs, incidental alterations or copy alterations, such as repainting and electrical repairs which do not extend or intensify the non-conforming feature of the sign.

(F) Non-Conforming Sign Compliance or Discontinuance Schedule

The following non-conforming signs shall be brought into conformance with the provisions of this ordinance, if permitted, or discontinued and removed entirely, including the entire sign and any associated components or equipment within the following time schedule:

**Non-Conforming Sign Compliance or Discontinuance Schedule**

<b>Sign Type</b>	<b>Deadline for Compliance/ Discontinuance</b>
Signs prohibited by Section II-2.8.2 A.B.C.D.F.I. and K	90 Days

Movable signs	180 Days
Portable Signs	270 Days
Temporary Advertising Posters and Signs	90 Days
Freestanding Signs Not Permanently Mounted per N.C. Building Code, On or Off-Premises	180 Days
Electronically Changeable Copy Signs Not in Conformance with Section II-2.8.6.E.	270 Days

## II-2.9 Landscaping

The following landscape treatments shall be provided as set forth in this Article. The Planning Board may modify the landscaping requirements where conditions exist in the Board's opinion that would make literal application not feasible. In such instances the Board may permit other landscaping schemes which in the Board's opinion would result in equal or better performance.

### A. Screening Requirements

Any use other than one or two-family dwellings located in either the R-0, C-B, N-B, G-B, L-I or H-I Districts and located on property abutting any Residential District, unless separated by a public street or railroad right-of-way, shall provide a screening device as described below. Such screening device 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 a screening device shall be initiated by the occurrence of any one or more of the following activities on the non-residential property.

1. The initial use, development or occupancy of the non-residential property.
2. Any change in use or occupancy of the non-residential property which results from a change in the zoning classification of the non-residential property; and/or
3. Any building expansion that increases the floor area of the non-residential use or any addition of parking that provides ten (10) or more spaces, whether required or not.

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

Screening Device - A screen that is at least ninety (90) percent opaque from the ground to a height of at least six (6) feet. The screen is intended to block visual contact between uses and to create a strong impression of spatial separation. The screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or

natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. In any case where vegetation, either existing or proposed, is to be used as the required screening device, if the vegetation is to be less than ten (10) feet in width (thickness), a fence, wall or similar device at least fifty (50) percent opaque and six (6) feet in height shall be used in combination with the vegetation. In all cases, the screen must be at least ninety (90) percent opaque in all seasons of the year. Planted vegetation must be a minimum of four (4) feet high and one (1) inch in caliper, measured six (6) inches above grade, when planted. Existing vegetation must be equivalent. In no case shall the screening device required by this Section interfere with visibility at intersections as set forth herein or with visibility at entrances and exits at public streets. The Zoning Administrator may permit a different type of screening device where in the Zoning Administrator's opinion equal or better performance will result.

B. Parking Lot Landscaping

In any Zoning District where parking spaces for twelve (12) or more cars are required or provided for a use or uses on a site, the parking lot shall be landscaped with canopy trees as required by this Section at the rate shown below. This requirement shall be initiated by the initial use or development of the property. In addition, in any case where six (6) parking spaces are added, whether required or not, the entire parking lot including existing parking areas shall be landscaped if the total on the site then equals twelve (12) or more.

Canopy trees shall be provided at a rate of one canopy tree for each twelve (12) spaces. After the first two trees, any fractional remaining number of spaces over six (6) shall require one (1) additional tree. Required canopy trees shall be distributed throughout the parking area and shall be located within or adjacent to parking lots as tree islands, at the end of parking bays, inside medians or between rows of parking spaces. Canopy trees must be a minimum of eight (8) feet high and two (2) inches in diameter, measured six (6) inches above grade at planting. When mature, a canopy tree should be at least forty (40) feet high and have a minimum crown width of thirty (30) feet. The following is a sample list of canopy trees by common name:

Red Maple	White Pine
Pecan	Sycamore
Deodar Cedar	White Oak
Leyland Cypress	Pin Oak
American Holly	Post Oak

Black Locust  
Red Mulberry  
White Spruce

American Linden  
American Elm

**II-2.10      Lighting**

All lighting shall be beamed down and away from adjoining property. To the extent practicable, all light produced onsite shall be contained within the perimeter of the site by design, orientation or shielding of the light source. The following lighting shall be prohibited:

- A. No fixture shall be erected which is an imitation of an official highway or traffic control light or sign.
- B. No fixture shall be in a direct line of vision with any traffic control sign or light.
- C. No fixture shall have a flashing or intermittent pattern of illumination.
- D. No fixture shall be located within a public right-of-way.
- E. No fixture shall be erected which because of the design of the light source, orientation or intensity causes direct glare onto adjacent property or streets, creating a nuisance or a hazard or causing confusion to drivers.
- F. Search lights are prohibited except when used by Federal, State or local authority.
- G. No fixture shall violate any law of the State of North Carolina relative to outdoor lighting.

**II-2.11      Compliance With Soil Erosion and Sedimentation Control**

- A. All development shall be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in North Carolina General Statute, Chapter 113A, Article 4 (Sedimentation Pollution Control).
- B. No Development Permit shall be issued for development that involves land-disturbing activity if more than one (1) acre is to be uncovered, unless an erosion control plan has been approved by the Division of Land Resources of the North Carolina Department of Environmental Management.
- C. No Development Permit shall be issued for development that involves land-disturbing activity if less than one (1) acre is to be uncovered, unless the

person to whom the permit is to be issued affirms on the permit application that the land-disturbing activity will be conducted in conformance with the standards and procedures for the control of sedimentation and soil erosion as set forth in North Carolina General Statute, Chapter 113A, Article 4.

- D. Failure of the permit holder to perform land-disturbing activity in accordance with the standards and procedures for the control of sedimentation and soil erosion as set forth in North Carolina General Statute 113A, Article 4 shall result in the permit holder being in violation of the terms of this Ordinance and may result in the revocation of the Development Permit.

**II-2.12      Compliance with Flood Damage Prevention Ordinance**

All development located in and around flood hazard areas shall be developed in compliance with the Flood Damage Prevention Ordinance.

**II-2.13      Compliance with Anson County Watershed Protection Ordinance**

All development located with the City Pond Watershed shall be developed in accordance with the requirements as set forth in the Anson County Watershed Protection Ordinance as it applies to the City Pond Watershed.

**II-2.14      Compliance with Subdivision Regulations**

All development involving land subdivision shall comply with the Subdivision Regulations.

**ARTICLE II-3    CONDITIONAL USE DISTRICTS CREATED**

For each general use district established in Article II-2, there is also established a corresponding conditional use district as follows:

- CU-R-20    Conditional Use R-20 District
- CU-R-10    Conditional Use R-10 District
- CU-R-8     Conditional Use R-8 District
- CU-R-6     Conditional Use R-6 District
- CU-R-0     Conditional Use R-0 District
- CU-C-B     Conditional Use C-B District
- CU-N-B     Conditional Use N-B District
- CU-G-B     Conditional Use G-B District
- CU-L-I     Conditional Use L-I District
- CU-H-I     Conditional Use H-I District

It is recognized that certain types of zoning districts would be inappropriate at certain locations in the absence of special conditions. Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional Use District (CUD) is a means by which such special conditions can be imposed in the furtherance of the purposes of this Ordinance. The Conditional Use District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this Ordinance that the authorization of such Conditional Use Permit shall be null and void and of no effect, and that proceedings shall be instituted to rezone the property to its previous zoning classification.

Within a CUD, only those uses authorized as permitted uses in the zoning district with which the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, with a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the Town Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas, and other special purpose areas, the timing of development, the location and extent of right-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include conditions not generally a part of land development

controls. In granting a Conditional Use Permit, the Board of Commissioners may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this Ordinance are served, public welfare secured, and substantial justice done.