

LOUISBURG ZONING ORDINANCE: TABLE OF CONTENTS

Section 1.	<u>AUTHORITY</u>	pg. 1
Section 2.	<u>PURPOSE</u>	pg. 1
Section 3.	<u>JURISDICTION</u>	pg. 1
Section 4.	<u>DEFINITIONS</u>	pg. 1-19
Section 5.	<u>MAPS - ZONING</u>	pg. 20
Section 6.	<u>INTERPRETATION of BOUNDARIES</u>	pg. 20
Section 7.	<u>INTENT</u>	pg. 20
Section 8.	<u>OPEN SPACE REQUIREMENTS</u>	pg. 20
Section 9.	<u>REDUCTION OF LOT PROHIBITED</u>	pg. 21
Section 10.	<u>ONE PRINCIPAL BUILDING</u>	pg. 21
Section 11.	<u>LEGAL LIMITS - CONFLICTS</u>	pg. 21
Section 12.	<u>DISTRICTS</u>	pg. 21
Section 13.	<u>DISTRICT PROVISIONS</u>	
	A. Districts	
	1. A-R Permitted Uses	pg.22
	Conditional Uses	pg. 23
	Special Exceptions	pg.24
	Dimensional Req.	pg.25
	2. R-1 Permitted Uses	pg. 26
	Conditional Uses	pg.26
	Special Exceptions	pg.28
	Dimensional Req.	pg.28
	3. R-2 Permitted Uses	pg. 29
	Conditional Uses	pg. 29
	Special Exceptions	pg. 30
	Dimensional Req.	pg. 30
	4. O&I Permitted Uses	pg. 32
	Conditional Uses	pg. 33
	Special Exceptions	pg. 34
	Dimensional Req.	pg.34

	5. B-1 Permitted uses	pg. 35
	Conditional Uses	pg. 36
	Special Exceptions	pg. 37
	Dimensional req.s	pg. 38
	6. B-2 Permitted uses	pg. 38
	Special Exceptions	pg. 41
	Dimensional Req.s	pg. 41
	7. B-3 Permitted Uses	pg. 42
	Special Exceptions	pg. 43
	Dimensional Req.s	pg. 43
	8. SHOD – Hwy 401	pg. 44
	9. I-1 Special Exceptions	pg. 47
	Dimensional Req.s	pg. 47
	10. I-2 Special Exceptions	pg. 50
	Dimensional Req.s	pg. 51
	11. Conditional District	
Section 14.	<u>STREET ACCESS</u>	pg. 51
Section 15.	<u>OFF STREET PARKING/LOADING REQUIREMENTS</u>	pg. 52
	Residential Uses	pg. 53
	Public/Semi Public	pg. 53
	Business	pg. 55
	Other Retail	pg. 56
	Industrial	pg. 57
Section 16.	<u>NONCONFORMING USES</u>	pg. 58
	A. New Uses/Construction	pg. 58
	B. Conforming Uses	pg. 58
	C. Continuation	pg. 58
	1. (A) Nonconforming Lots	pg. 58
	(B) Multiple lots combined	pg. 58
	2. Nonconforming Use of Land and/or Buildings	pg. 59
	(NOTE: Architecturally/ Historical significance buildings)	pg. 60
Section 17.	<u>SUPPLEMENTAL DISTRICT REGULATIONS</u>	
	A. Curb Cuts	pg. 61

B. Visibility at Intersections	pg. 62
C. Building Heights	pg. 62
D. Temporary Zoning Permits	pg. 62

Section 18.	<u>WATERSHED PROTECTION</u>	Pg. 65
	Authority	pg. 65
	Jurisdiction	pg. 65
	Exceptions	pg. 65
	Penalties	pg. 66
	Remedies	pg. 66
	Severability	pg. 67
	Effective Date	pg. 67
	Subdivision Regulations (Watershed)	
	General Provisions	pg. 67
	Application and Review	pg. 68
	Standards and Improvements	pg. 70
	Construction Procedures	pg. 71
	Penalties for Transferring lots	pg. 71
	Development Regulations (Watershed)	
	Watershed Areas	pg. 72
	WS-IV Critical Area	pg. 72
	WS-IV Protected Area	pg. 73
	Cluster Development	pg. 74
	Buffer Area Required	pg. 75
	Interpretation of Boundaries	pg. 75
	Application of Regulations	pg. 76
	Existing Development	pg. 77
	Watershed Permit	pg. 78
	Building Permit required	pg. 79
	Watershed Occupancy Permit	pg. 79
	Public Health Regulations (Watershed)	
	Public Health	pg. 80
	Abatement	pg. 80
	Administration, Enforcement & Appeals (Watershed)	
	Administrator and Duties	pg. 81
	Appeal to Decisions	pg. 81
	Amendments	pg. 82
	Public Notice and Hearing	pg. 82
	Watershed Review Board	pg. 83
	Rules of Conduct for members	pg. 83
	Powers and Duties of Board	pg. 84
	Variances	pg. 84
	Appeals from Review Board	pg. 88
	Definitions (Watershed)	pg. 88

Section 19.	<u>VESTED RIGHTS</u>	pg. 94
Section 20.	<u>Special Highway Overlay District (SHOD)</u>	pg.99
	Definitions	pg. 100
	Location	pg. 104
	Uses	pg. 104
	Standards	pg. 106
	Buffer yards	pg. 107
	Landscaping	pg. 107
	Height regs.	Pg. 112
	Lot Dimensions	pg. 112
	Access	pg. 112
	Signage	pg. 113
	Commercial Standards	pg. 114
	Parking	pg. 117
	Sidewalks	pg. 114
	Special impacts	pg. 114
	Underground electric	pg. 115
	Adjoining Historic Property	pg. 115
	Drainage	pg. 116
	Utilities	pg. 116
	Annexation Required	pg. 117
	Utility Connection requirement	pg. 117
	Payment in Lieu	pg. 118
	Non-Conformancies	pg. 119
	Variances	pg. 122
	Exceptions	pg. 122
Section 21.	<u>SPECIAL EXCEPTIONS</u>	pg. 123
	1) Permit Validity (12 months)	pg. 123
	2) Reinstatement	pg. 123
	3) Site Plan	pg. 124
	1. Mobile Home Parks	pg. 127
	2. Planned Unit Developments	pg. 134
	A. Minimum Area Req.	pg. 134
	B. Regulation of Uses	pg. 134
	C. Design Criteria	pg. 135
	3. Multi-Family Developments	pg. 137
	4. Shopping Centers	pg. 139
	5. Communication Towers	pg. 140

6.	Master Land use Plan	pg. 143
Section 21.	<u>ADMINISTRATION AND ENFORCEMENT</u>	
	A. Duties of Administrator	pg. 147
	B. Ordinance Administrator	pg. 147
	C. Zoning Permit Required	pg. 148
	D. Permit Application Proc.	pg. 148
	E. Fees	pg. 149
	F. Certificate of Compliance	pg. 150
Section 22.	<u>BOARD OF ADJUSTMENT</u>	
	A. Board Created	pg. 150
	B. Procedures of Board	pg. 151
	(3) Conditional Uses	pg. 151
	(4) Variances	pg. 152
	(5)e) Public Notice	pg. 153
Section 23.	<u>AMENDMENTS</u>	pg. 154
	Procedure Public Notice (GS. 160A-384)	pg. 154
	Protest Petitions	pg. 155
	Denial - Period to Refile	pg. 156
Section 24.	<u>VIOLATION AND PENALTY</u>	pg. 156
Section 25.	<u>VALIDITY</u>	pg. 156

LOUISBURG ZONING ORDINANCE

Section 1. AUTHORITY. The provisions of this ordinance are adopted under the authority granted by the General Assembly of the State of North Carolina, particularly Chapter 160A, Article 19.

Section 2. PURPOSE. The regulations and provisions set forth in this ordinance have been made in accordance with a comprehensive plan and are designed to lessen congestion in the streets; to secure safety from fire, flooding, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentrations of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements. The regulations contained herein have been made with reasonable consideration, among other things, as to the character of the various districts and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging of the most appropriate uses of the land within the Town of Louisburg.

Section 3. JURISDICTION. The regulations and provisions found in this ordinance shall apply to all land within the corporate limits of the Town of Louisburg, North Carolina and within the territory beyond such corporate limits as now or hereafter fixed, for a distance of approximately one (1) mile in all directions, as established by an ordinance and map adopted on April 14, 1975, by the Town Council of Louisburg in accordance with G. S. 160A-360.

Section 4. DEFINITIONS.

A. Interpretations of Commonly Used Terms and Words

1. Words used in the present tense shall include the future tense.
2. Words used in the singular number shall include the plural, and words used in the plural shall include the singular, unless the natural construction of the wording indicates otherwise.
3. The word "person" includes a firm, association, corporation, trust company, as well as an individual.

4. The words "used for" shall include the meaning "designed for".
5. The word "structure" shall include the word "building".
6. The word "lot" shall include the words "plot", "parcel", or "tract".
7. The word "shall" is always mandatory and not merely directory.

B. Definitions of Specific Terms and Words

1. Adult Bookstore/Videostore - Notwithstanding the definition found in NCGS 14-202.10 and adopted by reference, "adult bookstore" means a business establishment that has as one of its principal business purposes the sale or rental and/or has a substantial or significant portion of its stock or trade, for sale or rental of:

- A) "publications" which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" as defined in NCGS 14-202.10, or "specified sexual activities", as defined in NCGS 14-202.10; and/or,
- B) the sale or rental of "sexually oriented devices", as defined in NCGS 14-202.10

As used in this section, "publications" include, but are not limited to, books, magazines, other periodicals, photographs, movies, video tapes, computer software, CD-ROMs, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.

1.25 Adult Cabaret - Any place which features topless dancers, strippers, male or female impersonators, any persons who appear nude or semi-nude, or similar entertainers.

1.35 Adult Establishment - A business or enterprise as defined in NCGS 14-202.10(2). This definition includes, but is not limited to, adult bookstores/videostores, adult cabarets, adult retail stores, adult motion picture theaters, adult mini-motion picture theaters, adult live entertainment

businesses, and massage businesses. These uses are further defined in NCGS 14-202.10 and are hereby adopted by reference. **(AMND. Nov. 2001)**

Adult Establishments shall comply with the following requirements:

I. Separation:

- A) No more than one (1) adult establishment shall be located in any five hundred (500) foot radius (determined by a straight line) and shall be measured from the closest edges of the buildings occupied by the adult uses.
- B) No adult establishment shall be located closer than one thousand (1000) feet from property in any residential district or from any property in any historic district, either locally designated or on the Nation Register of Historic Places.
- C) No adult establishment shall be located closer than fifteen hundred (1500) feet from any church, school, college, child care facility, public park or playground.

II. Landscaping:

- A) Privacy fencing along with the required landscaping shall be installed, with the exception that privacy fencing may not be required if heavier than normal (greater intensity) landscaping is installed. All other landscaping requirements required by Ordinance shall also apply for said use.

III. Posting:

- A) A notice shall be posted at all public entrances of adult establishments indicating that the material offered for sale or rental, or activities conducted within, may be offensive and giving notice that minors under the age of eighteen (18) are not permitted.

IV. Advertising:

- A) In addition to the signage requirements of this ordinance governing the size, location, and number of signs, no advertisements, sexually explicit pictures or graphics, displays, or promotional materials shall be visible to the public from the street, pedestrian ways, public parking, or adjacent properties, with the exception of the name and nature of the establishment. No advertising shall include lewd or offensive language.

V. Construction Standards:

- A) Size - The maximum square footage of an adult establishment, including all appurtenant uses, shall be three thousand (3000) square feet.
- B) Sleeping Rooms - There shall be no sleeping rooms within any building containing an adult establishment
- C) Viewing Booths - There shall be no viewing booths or screening rooms allowed on the premises.
- D) Windows - The building containing the adult use shall be designed so as to restrict the view from the outside of adult activities or materials on the inside.

1.45 Adult Live Entertainment Business - Notwithstanding the definition found in NCGS 14-202.10 and adopted by reference, "adult live entertainment business" shall include "adult cabaret", as defined herein, and establishments featuring female mud wrestling, wet t-shirt contests, and similar activities. This shall not include piano bars, comedy clubs, live theaters, night clubs, general audience movie theaters, or other establishments featuring activities suitable for general audiences, irrespective of the occasional use of adult language or subject matter considered not appropriate for children.

1.50 Adult Retail Store - Retail establishments (other than bookstores) that specialize in sexually oriented lingerie, contraceptive devices, and gag gifts. The sale of books, magazines, video tapes, and similar

"publications" are kept strictly as an accessory sideline and of an educational or comedic nature.

- 1.75 **Accessory Building or Use.** A building or use customarily located on a lot in association with a principal building or use and incidental and subordinate to the principal building or use.
2. **Alteration.** The word "alteration" shall include the following:
 - a. Any addition to the height or depth of a building or structure;
 - b. Any change in the location of any of the exterior walls of a building or structure;
 - c. Any increase in the interior accommodations of a building or structure.
3. **Alley.** A minor right-of-way privately or publicly owned, primarily for service access.
4. **Basement.** That portion of any structure located partly below the average adjoining lot grade.
- 4.5 **Bed and Breakfast.** An overnight lodging business located within a structure originally designed and built as a single family residence. Overnight guest facilities are limited to a maximum of eight persons and the maximum stay is limited to seven consecutive days. The breakfast meal is provided to overnight guests only at no additional cost. The structure shall serve as the primary residence of the operator and no more than 50% of the home shall be used as the lodging facility. Signage for a Bed and breakfast use shall be non-illuminated and no larger than 4 square ft. All guest vehicles shall be parked in an orderly manner on the property of the facility. The facility shall comply with all applicable N.C. State Building Code regulations. (AMND 3/08)
5. **Boardinghouse.** A building other than a hotel or restaurant where meals and lodging are regularly furnished by prearrangement for compensation for four (4) or more

persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.

6. **Buffer Strip.** An unused strip of land five (5) feet or more in width, planted with evergreen trees, spaced not more than ten (10) feet apart, and not less than one (1) row of dense evergreen shrubs spaced not more than five (5) feet apart, five (5) feet or more in height, and maintained in a healthy, growing condition by the owner. No building or part of a building, no driveway or parking area shall occupy any part of a buffer strip.
7. **Building.** Any structure enclosed or isolated by exterior walls or columns constructed or used for residence, business, industry or other public or private purposes, or accessory thereto. The term "building" shall be construed as if followed by the words "or parts thereof".
8. **Building, Accessory.** See Accessory Building or Use.
9. **Building Height.** The vertical distance from the mean elevation of the finished grade along the front of a building to the highest point of a flat roof, or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
10. **Building, Principal.** A building in which is conducted the principal use of the lot on which it is located.
11. **Building, Setback Line.** A line establishing the minimum allowable distance between the nearest portion of any building, excluding the outermost three (3) feet of any uncovered porches, steps, eaves, gutters, and similar fixtures, and the street right-of-way line when measured perpendicular thereto.
12. **Certificate of Zoning Compliance.** A statement, signed by the Ordinance Administrator, stating that the plans for a building, structure or use of land complies with the requirements of the Zoning Ordinance of Louisburg, North Carolina, the Franklin County Health Department,

and the North Carolina Department of Human Resources, Division of Health Services.

13. **Certificate of Occupancy.** A statement, signed by the Ordinance Administrator, setting forth that the building, structure, or use of land complies with the Zoning Ordinance of Louisburg, North Carolina Department of Human Resources, Division of Health Services.
- 13.3 **Communication Tower.** *See Special Exception section (amend 6/21/99)*
14. **Conditional Use.** A development that would not be generally appropriate without restriction throughout the zoning district, but which if controlled as to number area, location or relation to the neighborhood would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance or prosperity. Such uses may be permitted in a zoning district by the Board of Adjustment as a conditional use if specific provision for such is made in this zoning ordinance.
15. **Condominium.** A dwelling unit owned as a single-family home within a multiple-unit property together with an undivided portion of ownership in areas and facilities held in common with other property owners in the development. Condominiums may take a number of forms such as attached townhouses, apartments, or other forms of residential structures. The common areas and structures may include underlying land, parking areas, recreation facilities, swimming pools, and in the case of an apartment house, hallways, basements, heating units, and elevators. * A condominium may also take the form of an office when single ownership of office space occurs within a multiple office property with an undivided portion of ownership in areas and facilities held in common with other property owners in the property development.* - (amnd 10/12/92)
16. **Curb Cut.** A lowered or cut-away curb for purposes of ingress or egress to property abutting a public street.
17. **Day Care Facility.** Any day care center or child care arrangement that provides day care for more than five children unrelated to the operator and for which a payment, fee, or grant is received, excluding foster homes, public or private schools which provide a course

of grade school instruction to children of public school age, summer day or residence camps, or Bible schools.

18. **District Zoning.** A section of the Town of Louisburg within which the zoning regulations are uniform.
19. **Dwelling Unit.** A building or portion thereof, providing complete and permanent living facilities for one (1) family. The term "dwelling" shall not be deemed to include a motel, hotel, tourist home, or structure designed for transient residence.
20. **Dwelling, Single-Family.** A detached building designed for or occupied exclusively by one (1) family.
21. **Dwelling, Two-Family.** A building arranged or designed to be occupied by two (2) families living independently of each other.
22. **Dwelling, Multi-Family.** A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, including apartment houses, apartment hotels, and group housing projects.
23. **Family.** Any number of persons living together as a single housekeeping unit.
- 23.1 **Family care home.** A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident handicapped persons. Application for permit shall be accompanied by a map showing the nearest existing family care units, with certification that the proposed home will be located no closer to them than one-half (½) mile. (AMND 3/08)
- 23.5 **Farmers Market.** A retail establishment primarily engaged in the sale of fresh fruits, vegetables and similar perishable goods.
- 23.6 **Flea Market.** Buildings or open areas in which booths or sales areas are provided for rent by various

unrelated individuals to sell a variety of merchandise. This does not include yard sales, rummage sales, or farmers markets.

24. **Frontage.** The distance between the two (2) side lot lines as measured along the front setback line.
- 24.5 **Group home.** A facility providing 24-hour supervision for the custodial care of physically or developmentally disabled children and adults but not including family care homes as provided for in G.S. 168-20 through 168-23. Group homes may include supervised living facilities and residential treatment facilities that primarily provide therapy for juveniles adjudicated as delinquent. All applications for permit shall be accompanied by a map showing the nearest existing group homes or family care homes with certification that the proposed group home will be located no closer to them than one (1) mile. **(AMND 3/08)**
25. **Home Occupation.** An occupation for gain or support customarily conducted on the premises by a person or family residing thereon. The term "home occupation" shall not be deemed to include a tourist home.
26. **Junk Yard.** The use of more than six-hundred (600) square feet of any lot or tract for the outdoor storage and/or sale of waste paper, rags, scrap metal or other junk, including the storage of automobiles or other vehicles or dismantling of such vehicles or machinery or parts thereof.
- 26.5 **Landscaping.** Landscaping shall be required for all non-residential development. Developers shall submit a complete landscaping plan, which shall be reviewed by Town Staff, and/or Landscape consultants contracted by the Town of Louisburg. This plan shall assure a design that is aesthetically pleasing and acts to diminish adverse impacts, which may affect the character of the area being developed.

Parking lots shall be screened with the standard design of decorative trees planted on 20 ft. centers with a continuous planting of hedge or shrubs, which will achieve a height of 3-1/2 to 4-1/2 feet at maturity between each tree planting. The owners of the property

and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all plantings and physical features required herein. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe pruning, shall be replaced with vegetation which conforms to the requirements herein and the approved site plan. The owner, agents, or assigns shall warrant all plantings for a period of one year.

All buffer yards and landscaped areas shall be free of refuse and debris in accordance with the approved site plan for development, and shall be so maintained as to prevent mulch, straw, dirt or other materials from washing onto streets and highways. The disturbance of any landscape area shown on an approved landscape plan shall be a violation of the site plan and shall be replanted so as to meet the standards of this ordinance and compliance with the approved site plan. **(amnd. 6/19/00)**

27. **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers with ingress and egress to a public street or alley.
28. **Lot.** A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.
29. **Lot, Corner.** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
30. **Lot Depth.** The average horizontal distance between the front and rear lot lines.
31. **Lot of Record.** A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Franklin County or a lot described

by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

32. **Lot Width.** The width of a parcel of land measured at the rear of the specified street yard.

32.5 **Massage Business** - Notwithstanding the definition of "massage business" found in NCGS 14-202.10 and adopted by reference, those massage businesses or enterprises where all employees or practitioners performing massage meet the ethical and educational standards specified by the American Massage Therapy Association, or equivalent national or state standards, or licensed health massage, therapeutic massage, or body work therapists shall not be considered a massage business. Massage businesses meeting the aforementioned standards are considered "physical/medical rehabilitation" for the purposes of this ordinance and allowed where applicable. **(Amnd. Nov. 2001)**

32.7 **"Minor Auto Part Restoration":** The process of restoration activities to used, salvaged, or damaged automotive parts which does not require mechanical, chemical, or manufacturing operations in the restoration process and requires enclosed storage of all materials, products, and supplies. **(Amnd. Jan. 2008)**

33. **Mobile Home.** Any vehicle or structure which is or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped, used or intended to be used primarily for human habitation, including any additions, attachments, annexes, foundations and appurtenances thereto. This does not include modular rooms which meet conventional home construction standards and are transported on a flat bed truck, nor does it include travel trailers and campers. **Double wide mobile home units that are permanently attached to the ground shall not be considered as mobile homes, but as single family dwelling units.**

34. **Mobile Home Park.** A lot or part thereof, or any parcel of land of at least ten (10) acres which is used or offered as a location for two (2) or more mobile homes used for residential purposes.

35. **Mobile Home Subdivision.** A subdivision designed and intended primarily for sale of lots for residential occupancy by mobile homes.
36. **Nonconforming Use or Structure.** Any use of a building, structure, or land which does not conform to the use regulations of this ordinance for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments which may be incorporated into this ordinance.
37. **Official Maps or Plans.** Any maps or plans officially adopted by the Louisburg Town Council.
38. **Open Space.** Unroofed storage area, whether fenced or not.
39. **Parking Space.** A graded and surfaced storage space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way. Parking space sizes shall be governed by the following:
- Angle Parking Minimum - 8.5 feet x 20.0 feet (measured parallel to the vehicle)
- 90°Parking Minimum - 10.0 feet x 20.0 feet (amnd
- 39.5 **Photovoltaic (PV):** Technology that converts light directly into electricity. (AMND 9/12)
40. **Planned Unit Development (PUD).** A land development project planned as an entity by means of a unitary site plan which permits flexibility in building site, mixtures in building types and land uses, usable open space, and the preservation of the significant natural features.
41. **Planning Board.** The Planning Board of the Town of Louisburg.
42. **Principal Building or Use.** The principal purpose for

which a lot or the main building thereon is designed, arranged, or intended, and for which it is or may be used, occupied, or maintained.

42.1. **Professional Pharmacy.** A business which limits its sales to prescription drugs; prescription accessories such as syringes, needles and bandages; cough and cold preparations; analgesics; vitamins; elastic goods such as support hose, back braces and ankle braces; oral hygiene products; antacids; laxatives; family health and personal hygiene products; products in support of the needs of hospitalized patients, to include gift candy and cards; and health related convalescent aids such as wheelchairs and walkers.

43. **Public or Community Sewage Disposal System.** A sanitary sewage disposal system with 3000 gallons or more design capacity and/or whose effluent is discharged to surface water. This system shall be approved under rules and regulations promulgated by the North Carolina Department of Natural and Economic Resources, Division of Environmental Management.

44. **Public or Community Water Supply System.** An approved water supply system serving ten (10) or more residences or businesses or combination of residences and businesses, including municipal and sanitary district water systems as well as water systems designed to serve particular subdivisions at full development and constructed to specifications approved by the Sanitary Engineering Section, Division of Health Services, North Carolina Department of Human Resources.

44.1 **Rummage Sales.** A sale by a non-profit organization whose individual members bring personal property to be sold in order to raise funds for the organization.

45. **Service Station.** A building or lot dedicated to the rendering of services such as the sale of gasoline, oil, grease, and accessories and the minor repair of

automobiles, excluding body working, overhauling, and painting.

46. **Setback Lines.** The line on the front, rear, and sides of a lot which delineates the area within which a structure may be built and maintained, according to the district regulations.
47. **Shopping Center.** Two (2) or more commercial establishments planned, and constructed, as a single unit with off-street parking and loading facilities provided on the property and related in location, size, and type of shops to the trade area which the unit serves.
48. **Sign.** An advertising or announcement device used to attract attention or to disseminate information. Types of signs include:
 - a. **Sign, Accessory** - an advertising device used to disseminate information concerning a person, place, thing, business commodity, service, entertainment, or other activity, conducted, sold, or offered exclusively on the premises upon which said sign is located.
 - b. **Sign, Independent** - One (1) advertising device used to disseminate information concerning a person, place, or thing, not pertaining to the use of the land upon which it is located. **(amended 3/84)**

Location: Independent Signs, "Billboards", or off-premise advertising shall be permitted in B-2 Highway Business and I-2 Heavy Industry zoning districts.

Spacing: No part of any independent advertising sign shall be located less than one thousand, five hundred (1,500) feet from any part of another independent advertising sign. This distance shall be measured by determining the radius distance.

Setback: Front yard setbacks shall be the same as the front yard requirements of the B-2 district; 30 feet. Setbacks shall be measured from the

right of way line and shall be measured from any portion of the sign or overhang.

Height: No independent sign or part thereof including base or apron, supports, or trim may exceed thirty (30) ft. in height.

Area: No independent sign may exceed 300 sq. ft.

Standards: (A) All signs shall comply with all applicable N.C., Franklin County, and Town of Louisburg Building Codes. (B) Clearance from Power Lines: Construction shall be in accordance with the National Electric Code and in no case shall any portion of the sign, base, or structure be closer than 10 ft. from any conductor or public utility wire, guy wire, or power line right of way.

Corner Lots: No independent sign may be located within a 500 ft. radius from the center of two or more roads which intersect at the same grade elevation

- c. **Sign Area** - The entire face of a sign and all wall work including illuminating tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs, they shall be included as part of the sign area. Area is found by measuring a minimum imaginary rectangle or square of vertical and horizontal lines which fully enclose all extremities of the sign, excluding supports, base, or apron unless such message, copy, announcement or decoration appears on the base.
- d. A "V" type back to back or double face sign shall be considered as the area of a single face.
- e. **Public and Private Schools** - shall be allowed to have up to four (4) signs as customary appertenances, none of which may exceed 300 sq. ft. in size. This shall include signs directly related to a school use which may also have advertising upon it. (amnd 6/14/93)

f. **Reader Board** - Reader Board signage (interchangeable lettering) shall be allowed as one of two permitted signs in the B-2 district, however, such sign shall be no larger than 20 sq. ft. (amnd 6/96)

g. Portable Reader Board Signs shall be specifically prohibited. (Amended 6/96)

Signs Exempted

Signs not subject to Permit Requirements

The following signs are not subject to the permit requirements of this ordinance, but are subject to Historic District requirements for Certificates of Appropriateness when located within an established local Historic District.

- A) Non-illuminated signs not exceeding two (2) square feet in area, of a non-commercial nature and bearing only property identification numbers and names, post office box numbers, names of occupants of the premise, notices regarding private parking, warnings to the public regarding trespass or danger from animals.
- B) Historic markers located upon a historic structure or upon the property of a historic structure disseminating information regarding the historic structure and being no larger than two (2) square feet in size.
- C) Flags or insignia of any governmental organization when not displayed in connection with commercial promotion.
- D) Legal notices, identification and informational signs and local traffic directional signs erected by or on behalf of a governmental entity.
- E) Memorial signs or tablets with names and construction dates of buildings when cut, inset, or imprinted into a masonry surface. (AMND 4/8/02)

48.1. Site Plan Check List - A checklist which enables Town staff to review the requirements of a site plan, its requirements included thereon, for the determination of

conformancy and subsequent approval or denial of the proposed plan.

48.2. **Site-Specific Development Plan** - A plan which has been submitted to the Town by a landowner that describes with certainty the type and intensity of a use for a specific parcel or parcels of property. Such plan must meet all criteria established by the Site plan check list.

48.3 **Solar Array:** A large scale, multiple paneled unit that produces power at higher values and is attached to an industrial structure OR as freestanding modules attached to each other and installed directly on a frame system in the ground; often referred to as a solar farm. (AMND 9/12) **Special Exception Standard:**

- 1) **No Public Health, Safety, or Welfare impact as a result of glare from the panel installation.**
- 2) **No adverse impact to the streetscape or aesthetics of the property or neighborhood.**

48.4 **Solar Panel:** A stationary Photovoltaic panel that converts light into electricity and is attached to a structures roof or the roof of a permitted accessory structure. (AMND 9/12) **Special Exception Standard:**

- 1) **No Public Health, Safety, or Welfare impact as a result of glare from the panel installation.**
- 2) **No adverse impact to the streetscape or aesthetics of the property or neighborhood.**

49. **Special Exception.** A major development that would not be generally appropriate without restriction throughout the zoning district but, which if controlled as to number, area, location, or relation to the neighborhood, would promote the health, safety, morals, general welfare, order, comfort, convenience, appearance, or prosperity of the neighborhood. Such uses may be permitted in such zoning district by the town council as special

exceptions if specific provision for such is made in this zoning ordinance.

50. **Stop.** That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.
51. **Story, Half.** A story which is situated in a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.
52. **Street.** A dedicated and accepted public right-of-way for vehicular traffic. The following classifications shall apply:
 - a. **Major Thoroughfare** - Major thoroughfares consist of interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of high volumes of traffic within and throughout urban areas.
 - b. **Minor Thoroughfares** - Minor thoroughfares are important streets in the city system and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through traffic movement and may also serve abutting property.
 - c. **Local Street** - A local street is any link not an higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.
53. **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent location on the ground.

- 53.3 **Tattooing.** The inserting of permanent markings or coloration, or the producing of scars, upon or under human skin through puncturing by use of a needle or any other method. The requirements of G.S. 130A-283 are hereby adopted by reference.
- 53.5 **Temporary Zoning Permit.** A permit authorizing the temporary use of a parcel for a specific use and specific temporary period of time.
- 53.7 **Temporary Sign Permit.** A temporary permit authorizing the locating of a sign, for a temporary period of time, displaying information specifically related to an activity authorized by an issued Temporary Zoning Permit. Signs displaying information regarding a Town of Louisburg sponsored event open to the public shall be exempt from the requirements herein.
54. **Use.** The purpose or activity for which the land or building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be occupied or maintained.
55. **Variance.** A modification of the existing zoning ordinance by the Town of Louisburg Board of Adjustment when strict enforcement of this ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.
- 55.1: **Vested Rights** - The right pursuant to G.S. 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.
56. **Yard.** An open space on the same lot with a principal building, unoccupied and unobstructed by any structure from the surface of the ground upward except for drives, sidewalks, lamp posts, entrance steps, retaining walls, fences, landscaping, and as otherwise provided herein.
57. **Yard, Front.** An open space on the same lot with a principal building between the front line of the

building (exclusive of steps) and the front property or street right-of-way line and extending across the full width of the lot.

58. **Yard, Rear.** An open space between the rear line of the principal building (exclusive of steps) and the rear property line and extending the full width of the lot.
59. **Yard, Side.** An open space between the building and the adjacent side lot line or adjacent street right-of-way which is open and unobstructed from the surface of the ground upward by any structure other than: (a) sills, belt courses, and ornamental features not to exceed six (6) inches; (b) cornices, roof overhang, and fixed awnings not to exceed two (2) feet, provided that no cornice, roof overhang or fixed awning shall be less than two (2) feet from any lot line; (c) open fire escapes, unenclosed porches, balconies, or patios not to exceed five (5) feet; and (d) ordinary projection of chimneys and pilasters when placed so as not to obstruct light and ventilation. The side yard extends from the rear line of the front yard to the front line of the rear line, or to the appropriate property line if no front or rear yards are required by this ordinance.
60. **Yard Sales.** An occasional sale (no more than two in a twelve month period) held for the purpose of disposing of personal property. The term yard sale shall include attic sales, garage sales and patio sales.

Section 5. MAPS.

- A. **Official Zoning Map.** The boundaries of the various districts have been indicated on the accompanying Official Zoning Map for the Town of Louisburg, shall be signed by the Mayor and Town Clerk and shall bear the adoption date of this ordinance. The Official Zoning Map is hereby made a part of this ordinance. All zoning amendments affecting the material displayed on the Official Zoning Map shall be certified on this map by the Town Clerk along with the amendment date.

Section 6. INTERPRETATION OF BOUNDARIES.

A. **Interpretation of District Boundaries.** Where uncertainty exists with respect to the boundaries or districts as shown on the Official Zoning Map, the following rules shall apply:

1. **Delineation** - District boundary lines are generally intended to be along or parallel to property lines, lot lines, the center line of streets, alleys, railroads, easements, other rights-of-way, and creeks, streams, or other water channels.
2. **Official Zoning Map** - In the absence of specified distances on the map, dimensions or distances shall be determined by the scale of the Official Zoning Map.
3. **Board of Adjustment** - When the street or property layout existing on the ground is at variance with that shown on the official zoning map, the board of adjustment shall interpret the district boundaries of this ordinance.

Section 7. INTENT OF ZONING DISTRICTS. Each district is hereby established as an exclusive zoning district and only those uses listed as permitted, conditional uses or special exceptions are allowed. If a particular use of the land is not listed in a certain district, that use shall be prohibited for that district, unless added by amendment.

Section 8. OPEN SPACE REQUIREMENTS. No part of a yard, court or other open space provided around any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building or structure.

Section 9. REDUCTION OF LOT AND YARD AREAS PROHIBITED. No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 10. ONLY ONE PRINCIPAL BUILDING PERMITTED ON ONE LOT. No lot shall be occupied by more than one principal building or use.

Section 11. LEGAL LIMITATIONS.

- A. **Conflict with Other Laws.** Wherever the regulations made under authority of this ordinance require a greater width or size of yards or courts, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than that required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this ordinance shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yard or courts or require a lower height of building or a less number of stories or require a greater percentage of lots to be left unoccupied, or impose other standards than are required by the regulations made under authority of this ordinance, the provisions of such statute or local ordinance or regulation shall govern.

Section 12. ZONING DISTRICTS.

- A. **Basic Districts.** For purposes of this zoning ordinance, the Town of Louisburg is hereby divided into the following districts:
1. A-R Agricultural Residential District
 2. R-1 Low Density Residential District
 3. R-2 Medium Density Residential District
 4. Office and Institutional District
 5. Downtown Business District
 6. Highway Business District
 7. Neighborhood Business District
 8. SHOD -Hwy 401

9. Light Industrial District
10. Heavy Industrial District
11. Conditional District

Section 13. **DISTRICT PROVISIONS.**

A. **Basic Districts.**

1. **Agricultural Residential District (A-R)** - The regulations of this district are designed to retain the open characteristics and agricultural nature of the land.
 - a. Permitted Uses
 - 1) Dwellings (single family, duplexes)
 - 2) Bona fide farms and their customary appurtenances
 - 2.5) Family Care Home **(amnd 3/08)**
 - 3) Home occupation; such as dressmaking, catering, baking, hairdressing, designing, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in a residence or accessory building thereof, provided that such occupation shall be engaged in only by the residents of the premises, that not more than the equivalent of the area of one floor of the principal building shall be used for such occupations, that no display or products shall be visible from the streets, and that no objectional effects shall be created or produced.

4) Uses and buildings customarily accessory to the above permitted uses.

A) Solar Panel when on a rear facing roof and a Solar Array when placed in a rear yard; subject to utility rider voltage limits. (Amnd 9/12)

b. Conditional Uses - The following list of conditional uses shall only be permitted upon the approval of the Louisburg Board of Adjustment after the board finds that all the requirements of this ordinance are met. All conditional uses considered by the Louisburg Board of Adjustment shall not adversely affect the surrounding land uses in terms of appearance, safety, property values, and other effects which would normally be realized if such a use were located in a particular area. All conditional uses shall meet the yard and lot area requirements applicable to the Agricultural Residential District.

The Board of Adjustment may also attach additional conditions when permitting such uses within this zoning district.

.5) Bed and Breakfast (amnd 3/08)

1) Boarding and rooming houses provided that not more than 50% of the dwelling be in that particular use.

2) Clinics and nursing homes provided that they are set back at least 50 feet from all exterior property lines.

3) Colleges and additions to said college facilities.

4) Clubs, lodges, country clubs, meeting halls, and community centers.

5) Funeral homes.

5.1) Horse Shows: The following minimum conditions shall be included - (1) minimum lot size of 10 acres, (2) provisions for toilet

facilities, (3) all appurtenances such as stables, corrals, and parking must be at least 500 ft. from the nearest off-premise dwelling, (4) adequate on-site parking to be determined by Board of Adjustment (**amnd 9/11/89**)

- 6) Public and private schools, parks, playgrounds, libraries, kindergartens, nursery schools, churches, cemeteries, police and fire stations.
- 7) Public utility substations, utility towers, pumping stations, storage tanks, provided that each of the above uses is set back a minimum of fifty (50) feet from any exterior property lines.
- 8) Signs, accessory--provided that such signs shall not exceed four (4) square feet in size and shall be of a non-illuminated nature. Only police stations, fire stations, and community centers may have illuminated signs.
- 9) Tourist homes.
- 10) Uses and buildings customarily accessory to the above conditional uses.

c. Special Exceptions - After due notice and hearing and subject to conditions and safeguards to be fixed by the town council, based on a recommendation of the planning board in each case a special exception permit may be granted by the town council for uses listed below, subject to the requirements of Section 19.

- 1) Planned Unit Developments.
- 1.5) **Solar Panel** Placement allowed on side yard facing roof pitches or accessory roofs located in the rear yard of the principal use that are visible from the side; (Amnd 9/12)
- 2) Mobile home parks and subdivisions.
- 3) Uses and buildings customarily accessory to the above permitted special exceptions.

d. Dimensional requirements

- 1) Minimum Lot Size - Minimum required lot area for each use (with septic tank and well) - 30,000 square feet.

Minimum Lot Size in Watershed Zone - The minimum lot size in the Watershed Overlay Zone shall under any circumstance be no less than 22,000 sqr. ft. unless otherwise allowed per "Cluster Development" provisions of the Watershed Ordinance. **(amnd 9/93)**

Minimum required lot area for each use (with either a septic tank or well) - 20,000 square feet.

Minimum required lot area for each use.(with public water and public sewer) - 15,000 square feet.

Lots served by a septic tank system and located on a watershed of a Class I or II reservoir or on the watershed of a portion of a Class A-II stream extended from a Class I reservoir to a downstream intake to a water purification plant shall contain at least forty thousand (40,000) square feet of area suitable for a septic tank system location and operation. The location and extent of these watersheds is determined by the Division of Health Services, Department of Human Resources.

- 2) Minimum Lot Width - Minimum lot width shall be 80 feet.
- 3) Minimum Front Yard and Corner Lot Setback - Minimum front yard and corner lot setback shall be thirty (30) feet.
- 4) Minimum Side Yard - Minimum side yard shall be fifteen (15) feet.
- 5) Minimum Rear Yard - Minimum rear yard shall be twenty (20) feet.

e. Off-street parking - Off-street parking shall be provided as required by Section 15 of this ordinance.

2. **Low Density Residential District (R-1)** - The Low Density Residential District is established as a district in which the principal use of land is for low density residential development. The regulations of this district are intended to discourage any use which because of its character, would be a nuisance to the neighboring residences and to insure that residential development not having access to public water and sewerage systems will occur at sufficiently low densities to insure a healthful environment. The regulations are further intended to discourage any use which because of its character would substantially interfere with the development of residences in the district and which would be detrimental to the quiet residential nature of the areas included within this district.

a. Permitted Uses

1) Single family dwellings.

1.5) Family Care Home (amnd 3/08)

2) Uses and buildings customarily accessory to the above permitted uses.

Accessory buildings to a permitted use within the R-1 district shall be located dependent upon the height of the structure. An accessory building may be located no closer than five (5) feet of the property line when the height of the structure does not exceed fifteen (15) ft. An accessory structure within this district shall not exceed the height of the principle building, and when exceeding fifteen (15) ft., shall meet all of the general yard provisions of the district. (12/9/91)

Solar Panel when on a rear facing roof and a **Solar Array** when placed in a rear yard; subject to utility rider voltage limits. (Amnd 9/12)

b. Conditional Uses - The following list of conditional uses shall only be permitted upon the approval of the Louisburg Board of Adjustment after the board finds

that all the requirements of this ordinance are met. All conditional uses considered by the Louisburg Board of Adjustment shall not adversely affect the surrounding land uses in terms of appearance, safety, property values, and other effects which would normally be realized if such a use were located in a particular area. All conditional uses shall meet the yard and lot area requirements set forth for the Low Density Residential (R-1) District.

The Board of Adjustment may also attach additional conditions when permitting such uses within this zoning district.

1) Home occupations, such as dressmaking, catering, baking, hairdressing, designing, and the practice of law, medicine and dentistry, shall be permitted as accessory uses in a residence or accessory building thereof, provided that such occupation shall be engaged in only by the residents of the premises, that not more than the equivalent of the area of one floor of the principal building shall be used for such occupations, that no display of products shall be visible from the streets, and that no objectional effects shall be created or produced.

1.5) Bed and Breakfast (**amnd 3/08**)

2) Boarding and rooming houses provided that not more than 50% of the dwelling be in that particular use.

3) Colleges and additions to said college facilities.

4) Clubs, lodges, country clubs, meeting halls, and community centers. Massage parlors are specifically prohibited

5) Funeral homes.

6) Public and private schools, parks, playgrounds, libraries, kindergartens, nursery schools, churches, cemeteries, police and fire stations.

7) Public utility substations, utility towers, pumping stations, storage tanks, provided that

each of the above uses is set back a minimum of fifty (50) feet from any exterior property lines and provided that natural evergreen screening is used.

- 8) Signs, accessory--provided that such signs shall not exceed four (4) square feet in size and shall be of a non-illuminated nature. Only police stations, fire stations, and community centers may have illuminated signs. **(see school sign amendment)**
 - 9) Uses and buildings customarily accessory to the above conditional uses.
- c. Special Exceptions - After due notice and hearing and subject to conditions and safeguards to be fixed by the town council based on a recommendation of the planning board in each case a special exception permit may be granted by the town council uses listed below, subject to the requirements of Section 18.
- 1) Condominiums and cooperatives.
 - 1.5) **Solar Panel** Placement allowed on side yard facing roof pitches or accessory roofs located in the rear yard of the principal use that are visible from the side; **(Amnd 9/12)**
 - 2) Planned Unit Developments.
 - 3) Uses and buildings customarily accessory to the above special exceptions.
- d. Dimensional requirements
- 1) Minimum Lot Size - Minimum required area for each use (with septic tank and well) - thirty thousand (30,000) square feet.

Minimum Lot Size in Watershed Zone - Minimum required area within a Watershed Zone shall be 22,000 Sqr. Ft. unless allowed per "Cluster Development" provisions of the Watershed Ordinance.
(Amnd 9/93)

Minimum required area for each use (with either a septic tank or a well) - twenty thousand (20,000) square feet.

Minimum required area for each use (with public water and sewer) - fifteen (15,000) square feet.

Minimum required for each condominium or co-dwelling unit (with public water and sewer) - seven thousand (7,000) square feet.

- 2) Minimum Lot Width - Minimum lot width shall be eighty (80) feet.
- 3) Minimum Front Yard and Corner Lot Setback - Minimum front yard and corner lot setback shall be thirty (30) feet.
- 4) Minimum Side Yard - Minimum side yard shall be fifteen (15) feet.
- 5) Minimum Rear Yard - Minimum rear yard shall be twenty (20) feet.

e. Off -street parking - Off -street parking shall be provided as required by Section 15 of this ordinance.

3. **Medium Density Residential District (R-2)** - The Medium Density Residential District (R-2) is created to provide for a variety in residential living styles including single family, two family and mobile home housing. Uses in the R-2 District must have both public water and sewer to maintain a healthful environment and should be served by adequate street and utility systems.

a. Permitted Uses

- 1) All those uses permitted in the R-1 Low Density Residential District.
- 2) Duplexes
- 3) Family Care Home (**amnd 3/08**)

b. Conditional Uses - The following list of conditional uses shall only be permitted upon the approval of the Louisburg Board of Adjustment after the board finds

that all the requirements of this ordinance are met. All conditional uses considered by the Louisburg Board of Adjustment shall not adversely affect the surrounding land uses in terms of appearance, safety, property values, and other effects which would normally be realized if such a use were located in a particular area. All conditional uses shall meet the yard and lot area requirements set forth for the Medium Density Residential (R-2) District.

The Board of Adjustment may also attach additional conditions when permitting such uses within this zoning district.

- 1) All those conditional uses permitted in the R-1 Low Density Residential District.
- 2) Mobile homes which shall be placed on a permanent foundation as set forth in the "State of North Carolina Regulations for Mobile Homes". Skirting for the mobile homes shall be required.
- 3) School signs

c. Special Exceptions - After due notice and public hearing and subject to conditions and safeguards to be fixed by the town council based on a recommendation of the planning board in each case a special exception permit may be granted by the town council for uses listed below, subject to the requirements of Section 19.

- 1) Multi-family dwelling units including apartments, townhouses, and condominiums.
- 2) Planned Unit Developments.
- 2.5) Solar Panel Placement allowed on side yard facing roof pitches or accessory roofs located in the rear yard of the principal use that are visible from the side; **(Amnd 9/12)**
- 3) Uses and buildings customarily accessory to the above permitted special exceptions.

d. Dimensional Requirements

1) The following dimensional requirements shall apply to single family dwellings:

a) Minimum Lot Size - Minimum lot size for each use shall be ten thousand (10,000) square feet.

Minimum Lot Size in Watershed Zone - The minimum lot size in the Watershed Overlay Zone shall in all circumstances be no less than 22,000 sqr. ft. unless otherwise allowed per "Cluster Development" provisions of the Watershed Ordinance. **(Amnd 9/93)**

b) Minimum Lot Width - Minimum lot width shall be fifty (50) feet.

c) Minimum Front Yard and Corner Lot. Setback - Minimum front yard and corner lot setback shall be thirty (30) feet.

d) Minimum Side Yard - Minimum side yard shall be ten (10) feet.

e) Minimum Rear Yard - Minimum rear yard shall be fifteen (15) feet.

2) The following dimensional requirements shall apply to two-family dwellings:

a) Minimum Lot Size - Minimum lot size shall be fifteen thousand (15,000) square feet.

b) Minimum Lot Width - Minimum lot width shall be seventy-five (75) feet.

c) Minimum Front Yard and Corner Lot Setback - Minimum front yard and corner lot setback shall be thirty (30) feet.

d) Minimum Side Yard - Minimum side yard shall be ten (10) feet.

e) Minimum Rear Yard - Minimum rear yard shall be twenty (20) feet.

3) The following dimensional requirements shall apply only to multiple family dwellings:

a) Minimum Lot Size - Minimum lot size shall be four thousand (4,000) square feet for each dwelling.

b) Minimum Lot Width - Minimum lot width shall be one hundred (150) feet for every three (3) dwelling units. **(as amended 2/14/94)**

c) Minimum Front Yard and Corner Lot Setback on Project Perimeters - Minimum front yard and corner lot setbacks on project perimeters shall be thirty (30) feet.

d) Minimum Side Yard on Project Perimeters - Minimum side yard on project perimeters shall be fifteen (15) feet for each unit.

e) Minimum Rear Yard on Project Perimeters - Minimum rear yard on project perimeters shall be twenty-five (25) feet.

e. Off -Street Parking - Off-street parking shall be required as provided in Section 15 of this ordinance.

4. Office and Institutional District (O & I) - This district provides for the development of office and community institutions which have similar development characteristics and require locations close to the more intensive commercial districts or as buffers between commercial and residential neighborhoods.

a. Permitted Uses

1) Accessory signs - provided that such signs be no larger than four (4) square feet when attached to the main wall of a building and that any sign not attached to a building shall be unlighted and shall meet the following provisions: The sign or support structure shall be of a height of no greater than thirty (30) inches from its closest grade elevation to the top of the sign or support structure and such sign shall be no larger than ten (10) sq. ft. In any event there shall be no

more than one sign for each use in this district. In the event that the use is multiple in nature (office condo), each use shall be allowed to have one, two (2) sq. ft. non-attached sign. If the applicant wishes to exceed the height limits set herein, a two (2) sq. ft. free standing sign is allowed. **(amend. 6/96)**

- 2) Banks and savings and loans
 - 3) Business, art, and professional schools.
 - 4) Churches and cemeteries.
 - 4.1) Daycare facilities **(amend 5/98)**
 - 5) Medical and dental clinics and laboratories not including the practice of veterinary medicine.
 - 6) Hospitals and nursing homes, not including animal hospitals.
 - 7) Libraries.
 - 8) Offices and office buildings not involved in retail trade nor the maintenance of a stock of goods for sale.
 - 8.1) Office Condominiums **(amnd 10/12/92)**
 - 9) Residences provided they conform to the dimensional requirements set forth for the Medium Density Residential District (R-2).
 - 10) Off-street parking lots.
 - 11) Uses customarily accessory to the permitted uses; storage outside of buildings shall not be permitted.
 - 12) Pharmacies
- b) Conditional Uses - The following list of conditional uses shall only be permitted upon the approval of the Louisburg Board of Adjustment after the board finds that all the requirements of this ordinance are met. All conditional uses considered by the Louisburg Board

of Adjustment shall not adversely affect the surrounding land uses in terms of appearance, safety, property values, and other effects which would normally be realized if such a use were located in a particular area. All conditional uses shall meet the yard and lot area requirements set forth for the Office and Institutional District (O & I).

- 1) **Expanded Accessory signs** - The installation of the following signage may be considered only when the proposed location is adjacent to (1) an existing non-residential use and (2) a commercial thoroughfare, and provided that such signs be no larger than four (4) square feet when attached to the main wall of a building and that any sign not attached to a building shall be unlighted and shall meet the following provisions : The sign or support structure shall be of a height of no greater than **thirty six (36) inches** from it's closest grade elevation to the top of the sign or support structure and such sign shall be no larger than **twenty (20) sq. ft.** In any event there should be no more than one sign for each use in this district. In the event that the use is multiple in nature (office condo), **the ground sign shall not exceed sixty (60) inches from the closest grade to the top of the structure and shall not exceed forty (40) square feet. (amnd 3/2011)**

1.5) Veterinary hospital or clinic for small animals, dogs, cats, birds, and the like, provided that such hospital or clinic and any treatment rooms, cages, pens, or kennels be maintained within a completely enclosed, soundproof building and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.

2) Clubs, religious organizations, union meeting halls, and civic organizations, fraternal clubs.

3) Public and private schools, parks, playgrounds, cemeteries, police and fire stations, public utility substations, utility towers, pumping stations, storage tanks, provided that each of the

above uses are set back a minimum of fifty (50) feet from any exterior property lines. Natural evergreen landscaping or screening may be required by the board of adjustment.

c. Special exceptions - After due notice and hearing and subject to conditions and safeguards to be fixed by the town council based on a recommendation of the planning board in each case a special exception permit may be granted by the town council for uses listed below, subject to the requirements of Section 19.

- 1) Office Parks.
- 2) Multi-family housing
- 3) Flea Markets (**amended 2/11/91**)
- 4) Fitness Centers (**amended 6/21/99**)

d. Dimensional Requirements

- 1) Minimum Lot Size - Minimum lot size for each use shall be fifteen thousand (15,000) square feet.
- 2) Minimum Lot Width - Minimum lot width shall be eighty (80) feet.
- 3) Minimum Front Yard and Corner Lot Setback - Minimum front yard and corner lot setback shall be thirty (30) feet.
- 4) Minimum Side Yard - Minimum side yard shall be fifteen (15) feet.
- 5) Minimum Rear Yard - Minimum rear yard shall be twenty (20) feet.

e. Off -Street Parking - Off -street parking shall be provided as required by Section 15 of this ordinance.

5. **Downtown Business District (B-1)** - The regulations for this district are designed to permit a concentrated development of permitted facilities within the central portion of Louisburg.

a. Permitted Uses:

- 1) Accessory signs - provided they do not project beyond the width of the sidewalk. There shall be no more than two advertising signs for each use within this district. Each sign shall be no more than 30 square feet.
- 2) Armories.
- 3) Banks.
- 4) Barber shops.
- 5) Beauty shops.
- 6) Billiard parlors.
- 7) Bus stations.
- 8) ~~Churches.~~ **(AMND 3/15/2010)**
- 8.5) Crematories - as an accessory use to funeral home **(AMND 3/15/2010)**
- 9) Eating and drinking establishments, excluding drive-in facilities.
- 9.1) Farmers Market
- 10) Fire stations.
- 11) Funeral homes.
- 12) Hardware stores.
- 13) Hotels.
- 14) Laundromats.
- 15) Laundry and dry cleaning pick-up stations.
- 16) Libraries.
- 17) Offices--business, professional and governmental uses.
- 18) Parking lots.

- 19) Police stations and jail.
- 20) Repair shops for jewelry, shoes, and household appliances.
- 21) Retail sales establishments not otherwise listed, but not to include automotive sales and service establishments.
- 21.5) **Solar Panels** - Permit as an **accessory use** by right when attached to the roof of a structure.
- 22) Taxi stands.
- 23) Theaters, indoor.
- 24) Uses customarily accessory to permitted uses, but not to include open air storage.

a) **Solar Panels** as an accessory use by right when attached to the roof of a structure.

- b. Conditional Uses - The following list of conditional uses shall only be permitted upon the approval of the Louisburg Board of Adjustment after the board finds that all the requirements of this ordinance are met. All conditional uses considered by the Louisburg Board of Adjustment shall not adversely affect the surrounding land uses in terms of appearance, safety, property values, and other effects which would normally be realized if such a use were located in a particular area. All conditional uses shall meet the yard and lot area requirements set forth for the Downtown Business District (B-1).

- 1) Automotive sales and/or service, provided that service areas are enclosed by a solid fence of at least six (6) feet in height. Service stations shall have a minimum lot size of seven thousand (7,000) square feet and one hundred (100) feet of frontage along a street. All service station equipment shall be located a minimum of twenty-five (25) feet from all exterior property lines.
- 2) Bowling alleys.

- 3) Building supplies and equipment sales provided all open-air storage areas are enclosed by a fence at least six (6) feet in height.
- 4) Farm equipment sales and service provided that service areas are enclosed by a fence of at least six (6) feet in height.
- 5) Printing establishments.
- 6) Public utility towers, substations, pumping stations, and storage tanks provided such facilities are located at least fifty (50) feet from all exterior property lines.

6.5) Minor Auto Part Restoration (**Amnd Jan. 2008**)

- 7) Warehouses.
- 8) Clubs, religious organizations, union meeting halls, civic organizations and fraternal clubs.
- 9) Public and private schools, parks, playgrounds.

9.1) Woodworking (**amnd 9/9/91**)

- c. Special Exceptions - After due notice and hearing and subject to conditions and safeguards to be fixed by the town council based on a recommendation of the planning board in each case a special exception permit may be granted by the town council for uses listed below, subject to the requirements of Section 19.

- 1) Shopping center.
- 2) Multi-family dwelling units, including apartments, condominiums and townhouses.
- 3) Flea Markets (**amended 2/11/91**)

d. Dimensional Requirements

- 1) There shall be no minimum lot size within the downtown business district.
- 2) There shall be no minimum lot width within the downtown business district.

- 3) There shall be no front yard requirement within the downtown business district other than any new building that is constructed shall be set back the same distance from the street right-of-way as are the buildings on the adjoining lots. Where there are no buildings on the adjoining lots, the minimum setback shall be ten (10) feet.
 - 4) There shall be no minimum side yard requirements within this district. However, where side yards are provided they shall be a minimum of five (5) feet wide. Where a business use abuts a residential district, the structure shall be a minimum of twenty (20) feet from all exterior property lines abutting the residential district.
- e. Off-street parking and off-street loading requirements as found in Section 15.
6. **Highway Business District (B-2)** - The Highway Business B-2 District is generally located on the major thoroughfare in town and provides space for offices, services and retail goods. The regulations for this district are intended to require ample parking and for controlled traffic movement.
- a. Permitted Uses
- 1) Adult Establishments (**AMND. 11/01**)
 - 1.5) Accessory signs provided there are no more than two (2) outdoor signs advertising each use. Each sign shall be no more than fifty (50) square feet. One of the allowed signs may be a "reader board" type sign which shall be no larger than twenty (20 sq. ft.) square feet.
 - 2) Animal hospitals.
 - 3) Automotive sales and service.
 - 4) Automotive washing establishments.
 - 5) Bowling alleys.
 - 6) Building supplies sales.

- 7) Clubs, lodges and similar group organizations.
- 7.5) Crematories - as an accessory use to funeral home
(AMND 3/15/2010)
- 8) Dairy bars.
- 9) Drive-in banks.
- 9.1) Farmers Market
- 10) Fire and police stations.
- 11) Food and beverage establishments.
- 12) Gift shops.
- 13) Golf driving ranges, miniature golf courses and par 3 courses.
- 14) Independent signs, provided they are a maximum size of three hundred (300) sq. feet, are no closer than eleven hundred (1100) feet to one another and there is no more than one sign per lot.(see amendment of 3/84)
- 15) Ice pick-up stations.
- 16) Motels and motor hotels.
- 17) Mobile home sales.
- 18) Office buildings.
- 19) Parks and picnic areas.
- 20) Printing establishments.
- 21) Public utility towers, substations, pumping stations, and storage tanks provided that such facilities are a minimum of fifty (50) feet from all exterior property lines.
- 22) Repair shops for the servicing of household appliances jewelry and shoes.

23) Restaurants, including drive-in type facilities.

24) Service stations.

24.2) **Solar Panels** Permit as an accessory use by right when attached to the roof of a structure. **Amnd 9/12**

24.5 Tattooing (**AMND. 11/01**)

25) Theaters of a drive-in nature provided that no part of the theater screen, projection booth, or other structure shall be located closer than three hundred (300) feet to any residential district or closer than fifty (50) feet to any exterior property line or public right-of-way. The theater screen shall not face a major highway.

26) Funeral homes.

27) Warehouses.

28) Customary accessory uses and structures when located on the same lot as the main structure.

29) All uses permitted in the Neighborhood Business District with the exception of number (1). **(7/9/90)**

b. Conditional Uses - The following list of conditional Uses shall only be permitted upon the approval of the Louisburg Board of Adjustment after the Board finds that all of the requirements of this ordinance are met.

All Conditional Uses considered by the Louisburg Board of Adjustment shall not adversely affect the surrounding land uses in terms of appearance, safety, property values, and other effects that would normally be realized if such a use were located in a particular area. All Conditional Uses shall meet the yard and lot area requirements set forth for the Highway Business (B-2) District.

1) Any proposed use that is considered B-2 in nature and will be developed and/or extended and which is at the time of the request for development or extension adjacent to a Single Family (R-1) District.

c. Special Exceptions - After due notice and hearing and subject to conditions and safeguards to be fixed by the town council based on a recommendation of the planning board in each case a special exception permit may be granted by the town council for uses listed below, subject to the requirements of Section 19.

- 1) Shopping Center.
- 2) Multi-family housing
- 3) Flea Markets **(2/11/91)**

d. Dimensional Requirements

- 1) Minimum Lot Size - Minimum lot size for each use shall be ten thousand (10,000) square feet.
- 2) Minimum Lot Width - Minimum lot width shall be one hundred (100) feet.
- 3) Minimum Front Yard - Minimum front yard shall be thirty (30) feet.
- 4) Minimum Side Yard - Minimum side yard shall be fifteen (15) feet on each side of the building.
- 5) Minimum Rear Yard - Minimum rear yard shall be twenty (20) feet.
- 6) The first five (5) feet from the front property line shall be developed for grass and plants, and shall not be used for any purpose except for necessary drives and walks.
- 7) Special exception shopping center site plans which do not provide minimum yards along interior lot lines within the Highway Business District may be approved. All exterior lot lines and yard requirements along the perimeter of the center shall satisfy the standards above. **(3/12/91)**

shopping
as listed

e. Off-street parking - Off-street parking shall be provided as required by Section 15 of this ordinance.

7. Neighborhood Business District (B-3) - The Neighborhood Business District B-3 is established as a district in which the principal use of land is for those retail trade and office purposes which are properly located near residential areas and which cater to the everyday needs of a residential neighborhood.

a. Permitted Uses

- 1) Accessory signs provided they advertise only the use of the land upon which they are located and provided further that there is no more than one (1) sign for each use within this district.
- 2) Banks and savings and loans.
- 3) Barber shop.
- 4) Beauty shop.
- 5) Camera Shop.
- 6) Delicatessen.
- 7) Drug store.
- 8) Dry Cleaners.
- 9) Florist (retail).
- 9.1) Furniture and Appliance Sales/Service. **(3/12/91)**
- 10) Gift and stationary.
- 11) Grocery store.
- 12) Hardware store.
- 13) Indoor restaurant.
- 14) Meat market.
- 15) Music store.
- 16) Novelty store.

- 17) Offices for business and professional use.
- 18) Post office.
- 19) Public and private schools, parks, playgrounds, libraries, churches, cemeteries, police and fire stations.
- 20) Public utility substations, utility towers, pumping stations, storage tanks, provided that each of the above uses are set back a minimum of fifty (50) feet from any exterior property line. Natural evergreen landscaping or screening may be required
- 20.5) **Solar Panels** Permit as an accessory use by right when attached to the roof of a structure. **AMND 9/12**
- 21) Tailor shop.
- 22) Taxicab call stand.
- 23) Toy store.
- 24) Variety shop.

b. Special Exceptions - After due notice and hearing and subject to conditions and safeguards to be fixed by the town council based on a recommendation of the planning board in each case a special exception permit may be granted by the town council for uses listed below, subject to the requirements of Section 19.

- 1) Gas stations.
 - 2) Medical and dental clinics and laboratories, not including the practice of veterinary medicine.
 - 3) Auto Sales (No Service) - [Council stipulation that No obnoxious noise or lighting effects and all untitled, disabled vehicles removed within
- 30 days] **(amended 6/5/89)**

c. Dimensional Requirements

- 1) Minimum Lot Size - Minimum lot size for each use shall be ten thousand (10,000) square feet.

- 2) Maximum Square Footage - Maximum square footage shall be five thousand (5000) square feet or 15% of total lot area whichever is greater, of gross developed area shall be permitted for any one establishment. (**Amended 2/9/04**)
- 3) Minimum Lot Width - Minimum lot width shall be seventy-five (75) feet.
- 4) Minimum Side Yard - Minimum side yard shall be ten (10) feet.
- 5) Minimum Rear Yard - Minimum rear yard shall be twenty (20) feet.
- 6) Minimum Front Yard and Corner Lot Setback - Minimum front yard and corner lot setback shall be twenty-five (25) feet. Minimum required depth of front yard and/or corner lot setback shall be developed for sidewalks, grass and plants and the necessary driveways. Off-street parking shall not be permitted in this area.

8. Special Highway Overlay District SHOD

(a) The purpose of this district is to establish the least burdensome regulations to protect and preserve the natural scenic beauty along designated major highways within the Special Highway Overlay District in the town of Louisburg's zoning jurisdiction, while allowing the orderly development of land located along such highways. In order to protect and enhance both the public and private interests in and along the highway system, the district is adopted for the purposes of:

1) Protecting the public investment in and lengthening the time during which highways can continue to serve their functions without expansion or relocation by expediting the free flow of traffic through the creation of parallel accessways, and reducing the hazards arising from multiple points of ingress and egress and cluttered roadside development;

2) Reducing the costs of future highway expansions by requiring that buildings and structures be sufficiently set back from the right-of-way to provide adequate space for roadway improvements, site distances, and adequate storage for vehicles until they can safely enter the highway;

3) Reserving adequate roadside space through which neighborhood traffic may be admitted to and from the highway system in a manner that avoids undue traffic concentrations, sudden turnings and stoppings and other hazards; and

4) Achieving a common unified appearance along a roadway with other jurisdictions of the county.

(b) It is the intent of these regulations that development in the Special Highway Overlay District shall be in harmony with and shall preserve the natural beauty and character of the existing landscape and the historic architecture of Louisburg. Ensuring the attractiveness of uses will in turn contribute to and enhance trade, capital investment and the general welfare.

(c) As an overlay district, the Special Highway Overlay District provides additional development requirements and standards which must be met by any development on the property. All development within this overlay district shall comply with the regulations of this Part.

(a) **Permitted Uses**

Subject to the provisions of this Hwy 401 - South district all general uses, conditional uses and special exceptions that are allowed in the R-1, O&I, and B-2 zoning districts are allowed in the Special Highway Overlay District unless specifically enumerated and prohibited.

Pursuant to the provisions contained in this District the Louisburg Town Council can issue in this District the following additional uses as special exceptions:

1. Alternative highway district designs; and landscaping alternate means of compliance.

2. Bed and Breakfast establishments (R-1)
3. Animal Hospitals (O&I)
4. Automotive Sales (B-2)
5. Mini-Storage warehousing - allowed as conditional use on second tier and beyond lots

(b) Prohibited Uses

Expressly prohibited uses district-wide include:

- off - premise signs;
- roof mounted signs;
- signs employing flashing or traveling lights, blinking lights or lights that may be confused with traffic signal lights;

The following uses are hereby enumerated and prohibited within the respective zoning district unless the use may be permitted by the Town Council as part of a Master Land Use Plan Special Exception. (**amnd 2/07**)

R-1 Residential:

- Boarding and Rooming Houses

O&I Office/Institutional:

- Residences allowed with R-2 requirements (only R-1 dimensions allowed for residential uses;
- Off-Street parking facilities
- Multi-Family Housing
- Flea Markets

B-2 Highway Business:

- Bowling Alleys
- Gaming rooms/facilities
- Adult Entertainment establishments
- Drive-thru restaurants/food establishments: unless permitted by the Town Council as an approved use in a Master Land Use Plan Special Exception. (**amnd 2/07**)
- Golf ranges, Par 3, or miniature courses
- Convenience stores/marts: unless permitted by the Town Council as an approved use in a Master Land Use Plan Special Exception. (**amnd 2/07**)
- Flea Markets

- Mobile Home sales
- Public Utility/Cellular towers
- Drive-in theaters
- Warehouses
- Farmers Markets
- Multi-Family Housing

Site standards

The standards of both the Special Highway Overlay District and the standards applicable to the proposed use which are established in the provisions for that uses zoning district shall apply (ex. A B-2 use approved within the SHOD shall meet the development provisions for such use required in the B-2 district standards of the Zoning Ordinance in addition to the specific SHOD regulations). Where the standards of the SHOD and the specific use differ, the more restrictive standard shall apply.

See Section 20 for appropriate standards

9. **Light Industrial District (I-1)** - The principal use of the land within the Light Industrial District is that of industrial activity which is operated in a relatively clean, quiet and un-obnoxious manner.
 - a. Special Exceptions - After due notice and hearing and subject to conditions and safeguards to be fixed by the town council based on a recommendation by the planning board in each case a special exception permit may be granted by the town council for uses listed below, subject to requirements of Section 19.
 - 1) Animal Shelters (**AMND 6/18/07**)
 - 1.5) Bottling Plants.
 - 2) Building materials sales and storage yards.
 - 3) Accessory signs provided they advertise only the use of the land upon which they are located, and independent signs provided they are a maximum size of three hundred sq. ft. (300) feet and eleven

hundred (1100) feet apart and there is only one (1) independent sign per lot.

- 4) Cabinet and woodworking establishments.
- 5) Clothing manufacturer.
- 6) Contractors' offices and equipment storage.
- 7) Cotton storage facilities.
- 8) Dairy products processing.
- 9) Dry cleaning plants.
- 10) Eating and drinking establishments.
- 11) Electronic equipment manufacture.
- 12) Fertilizer sales.
- 13) Farm machinery sales and service.
- 14) Food processing plants, except slaughtering of animals.
- 15) Furniture manufacture.
- 16) Greenhouses and nurseries.
- 17) Grounds and facilities for outdoor games and sporting events.
- 18) Ice plants.
- 19) Industrial Education Centers.
- 19.1) Jail/Detention facilities (6/13/94)
- 20) Laboratories for research.
- 21) Machine shops.
- 22) Metal working shops.
- 23) Mobile home sales and service.

- 24) Off-street parking facilities.
- 25) Office and sales uses as an accessory use to an industrial activity and being located on the same lot as the principal use.
- 26) Petroleum bulk storage, provided all fire and safety requirements are met.
- 27) Plastics manufacture.
- 28) Printing establishments.
- 29) Public utility towers, substations, pumping stations, and storage tanks, water and sewer treatment plants, provided such facilities are located at least fifty (50) feet from all exterior property lines.
- 30) Service stations.
- 30.5) Solar Panels OR Solar Arrays (**AMND 9/12**)
- 31) Tire recapping and re-treading establishments.
- 32) Truck terminals.
- 33) Warehouses.

b. Dimensional Requirements

- 1) Minimum Lot Size - Minimum lot sizes shall be for each use forty thousand (40,000) square feet.
- 2) Minimum Lot Width - Minimum lot width shall be one hundred (100) feet.
- 3) Minimum Front Yard - Minimum front yard shall be thirty (30) feet.
- 4) Minimum Side Yard - Minimum side yard shall be fifteen (15) feet for each side of the building.
- 5) Minimum Rear Yard - Minimum rear yard shall be twenty (20) feet.

- 6) In the event that an Industrial District abuts a Residential District, all uses within the Industrial Zone shall be set back at least fifty (50) feet from the Residential Zone boundary. Natural planting or evergreen hedges to a height of at least six (6) feet shall be required on a side that abuts a developed residential property.
 - c. Off-street parking - Off-street parking shall be provided as required in Section 15 of this ordinance.
10. **Heavy Industrial District (I-2)** - The principal use of the land within the Heavy Industrial District is that of industrial activity which, by its nature, may tend to create some nuisance or relatively obnoxious effect in the area where it is located.
- a. Special Exceptions - After due notice and public hearing and subject to conditions and safeguards to be fixed by the town council based on a recommendation of the planning board in each case a special exception permit may be granted by the town council for uses listed below, subject to the requirements of Section 19.
 - 1) All uses permitted in the Light Industrial District.
 - 2) Coal yards.
 - 3) Feed and seed milling.
 - 4) Fertilizer manufacture and sales.
 - 5) Foundries producing steel products.
 - 5.1) Independant signs **(3/84)**
 - 6) Lumber mills and yards.
 - 7) Machine tool manufacture.
 - 8) Metal fabrication.
 - 9) Mixing plants for concrete and the manufacture of concrete products, asphalt, and similar

products.

- 10) Paper, pulp, cardboard and building board manufacture.
- 11) Railroad freight yards.
- 11.5) Solar Panels OR Solar Arrays (**AMND 9/12**)
- 12) Textile manufacture.
- 13) Tobacco products manufacture.
- 14) Automobile wrecking yards and/or similar types of used materials industries, if conducted within a structure on a lot enclosed by a solid fence at least six (6) feet in height, which shall be a minimum of thirty (30) feet from any property line.

b. Dimensional Requirements

- 1) Minimum Lot Size - Minimum lot size for each use shall be eighty thousand (80,000) square feet.
- 2) Minimum Lot Width - Minimum lot width shall be one hundred (100) feet.
- 3) Minimum Front Yard - Minimum front yard shall be fifty (50) feet.
- 4) Minimum Side Yard - Minimum side yard shall be twenty-five (25) feet.
- 5) Minimum Rear Yard - Minimum rear yard shall be thirty (30) feet.
- 6) In the event that an Industrial Zone abuts a Residential Zone, all uses within the Industrial Zone shall be set back at least fifty (50) feet from the Residential District boundary. The planning board may require appropriate landscaping on lot perimeters for a buffer.

11. Conditional District (CD)

- (1) Initiation. The reclassification of property to a conditional district may be initiated only by the property owner(s), or an agent authorized by affidavit to act on the owner's behalf and shall follow the same requirements of law as all such rezoning amendments.
- (2) Petition. A request for rezoning to a conditional district shall include an official petition consisting of the following:
 - a. A completed application form and fee.
 - b. A site plan showing all natural, man-made, political and recorded features of the property deemed by the zoning administrator to be necessary to indicate the location, type, scale, size, height, and general extent of the proposed development and its physical, financial, and use impacts upon any on-site or adjacent natural and historic resources, public infrastructure and facilities, and/or existing or approved development as may be regulated or protected by this ordinance. Such plan shall be at a scale sufficient to meet the intent of this section. Site specific use development elements such as building facades, landscaping, parking configuration, lighting, signage, as well as any other as required by Town staff shall be clearly defined on the site plan and accompanied by elevations of the proposed development.
 - c. A written description or notation on the map explaining the proposed use of all land and structures, including the number of residential units or the total square footage of any nonresidential development.
 - d. Any other information deemed necessary by the Zoning Administrator, Planning Board or Town Council.
- (3) Conditions. Prior to the action on the proposed amendment (which may also include a period after the public hearing) any staff person, the Planning Board, or the County Commission may meet with the petitioner to discuss the proposed plan and suggest features to be included in the rezoning proposal. The specifics of the

plan may be negotiated to address community issues or concerns and to insure that the spirit and intent of this ordinance are preserved. During the public hearing, the Board of Commissioners may suggest additional features to be included or reflected in the proposal prior to taking action on the request.

(4) Workshops. In addition to any meeting that may occur informally between any group and the petitioner and the public hearing that is required as part of any rezoning request, the Planning Board or Town Council may require the petitioner to hold one or more formal workshops with neighbors and other stakeholders. The petitioner shall be responsible for providing adequate public notice, arranging for meeting space, documenting attendance, and creating a written summary of the comments received at the workshop. Proof of meeting notice, attendance logs, and the comments summary including the petitioners response to each shall be forwarded to staff for inclusion in the board agenda packet. Adequate public notice for any workshop shall include a written notice and a sign posted on the property in a manner that is visible to the public providing the day, time and location of the meeting, both of which must occur not less than 10 nor more than 21 calendar days prior to the workshop. Meeting space should be reasonably near the affected property and should be accessible to everyone.

(5) Development Not Started Within Two Years. The property owner shall commence construction in accordance with the approved site plan within two (2) years after the zoning amendment is approved. If the Planning Board determines that construction has not commenced within such time period, it may, recommend to the Town Council that the property be zoned to an appropriate General Use District. The original petitioner may request and extension not to exceed one (1) additional year by submitting such request to the Louisburg Town Council.

(amnd 3/2011)

Section 14. STREET ACCESS. No building shall be erected on a lot which does not abut a public street. The board of adjustment may vary this requirement *for existing lots of record* **(amnd 7/99)** only under the following conditions: 1) that a legally established right-of-way of no less width than thirty (30) feet and no longer than five hundred (500) feet from the nearest public

dedicated right-of-way exists; and 2) that the right-of-way shall give access to no more than three (3) dwelling units.

Section 15. OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS.

- A. Within all of the various zoning districts there shall be adequate off-street parking facilities provided at the time of erection of a new building and also off-street loading facilities where applicable. The provisions of this section also apply to any building which is enlarged or increased in any manner or fashion, or where there is a change of use. *All required parking lots and areas shall be paved and so constructed to have curb and gutter in order to facilitate the adequate collection and maintenance of stormwater at the site.* (amnd. 6/19/00) **Required curb shall have a vertical face with an adjoining gutter radius of 3". The curb and gutter shall be constructed of concrete and shall comply with the standards set forth in the Louisburg Design and Specifications manual, except that gutter width may be diminished to twenty-four inches (24").** (amnd. 2/20/06) **EXEMPTION:** Whenever the required number of parking spaces for a use is three or less in number, the use is exempt from the requirement of pavement and curb and guttering. (amnd. 9/20/04)
- B. One (1) off-street parking space shall be a minimum of ten (10) feet in width, twenty (20) feet in depth, and such space shall not be used for any other purpose.
- C. No public right-of-way shall be used in determining or providing the required off-street parking area.
- D. The required parking spaces for any number of uses may be combined in one (1) lot or premises, but the required space for one (1) use shall not be used or counted as the required space for any other use except that one-half (1/2) of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night and on Sundays.

If adequate parking facilities cannot be provided on the same lot where the principal use is located, it may be provided on another lot not more than five hundred (500) feet from the

principal use, provided such space is rented and/or leased on a long-term basis or is in the same ownership as the principal use.

E. Lots located in the Central Business District (B-1) shall be **exempt** from the off-street parking requirements required herein. **(AMND 8/28/06)**

F. The following off-street parking space shall be required:

1. <u>Residential and Related Uses</u>	<u>Required Parking</u>
Any residential use consisting of one (1) or more dwelling units.	Two (2) parking on the same lot for each dwelling unit.
Rooming or boarding houses	One (1) parking space for each room to be rented.
Doctor's or dentist's office in his residence.	Five (5) parking spaces in addition to residence requirements.
Professional office (other than doctor or dentist) or customary home occupation in operator's residence.	Three (3) parking spaces in addition to residence requirements.
Dorms/Residence Halls	1 space per 2 beds (amnd 7/03)
2. <u>Public and Semi-Public Uses</u>	
Hospital.	One (1) parking space for every two (2) beds intended for patient use.

Clinic.	Three (3) parking spaces for each staff doctor plus one (1) parking space for each employee.
Nursing Home.	One (1) parking space for each bed.
Churches.	One (1) parking space for each four (4) seats in the main assembly hall.
Elementary School and Junior High School.	Two (2) parking spaces for each classwork and administrative office, plus one (1) bus space for each forty (40) pupils.
Senior High School.	One (1) parking space for each four (4) students for which the building was designed plus one (1) parking space for each classroom and administrative office.
Stadium.	One (1) parking space for each four (4) spectator seats.

General, professional, or medical offices.	for each two (2) employees. One (1) parking space for each one hundred (100)square feet of gross floor space.
Banks.	One (1) parking space for each three hundred (300)square feet of gross floor space plus one (1) for each employee.
Filling Stations.	Two (2) spaces for each service bay plus one (1) space for each ve- hicle used in operation plus one (1) space for each employee.
Theaters.	One (1) parking space for each three (3) seats in the chapel or parlor.

4. **Retail Uses Not Otherwise Indicated**

Minimum Number Off Street Parking Space

Low generator retail and service establishments, such as appliance, drapery, feed store, floor or wall covering, florist, hobby shop, furniture, paint, hardware, interior decorator, upholstery.

One (1) space for each six hundred (600) feet plus two (2) spaces for each employee plus one (1) space for each vehicle used in operation.

Medium generator retail and service establishments such

One (1) space for each three hundred

as bakery, barber, beauty shops, dry cleaning, laundry pick-up stations, dry goods, apparel shop, sporting goods, shoe repair establishments.

(300) square feet plus two (2) spaces for each three (3) employees plus one (1) space for each vehicle used in operation.

High generator retail and service establishments such as auto accessory, department store, variety store, coin operated dry cleaning and laundries, drug, food, drive-in restaurants.

One (1) space for two hundred (200) feet plus two (2) spaces for each (3) employees plus one (1) space for vehicle used in operation.

5. **Industrial and Wholesale**

Wholesale uses

One (1) parking space for each employee on the largest shift.

Industrial uses

One (1) parking space for each employee On the largest shift.

- G. The number of off-street loading berths required by this section shall be considered as the absolute minimum and the developer shall evaluate his own needs to determine if they are greater than the minimum specified by this section. For purposes of this section an of f-street loading berth shall have minimum plan dimensions of fifteen (15) feet by seventy-five (75) feet and fourteen (14) feet overhead clearance with adequate means for ingress and egress. A loading space requirement may be modified or waived by the Board of Adjustment on application in the case of a bank, theater, assembly hall, or other building of similar limited loading space requirements.

Square Feet of Gross

Required Number

Floor Area	of Berths
0 - 25,000	1
25,000 - 40,000	2
40,000 - 100,000	3
100,000 - 160,000	4
160,000 - 240,000	5
240,000 - 320,000	6
320,000 - 400,000	
Each 90,000 above 400,000	1

Section 16. NONCONFORMING USES.

- A. **New Uses or Construction.** After the effective date of this ordinance, all new construction shall conform to the use, area and bulk regulations for the district in which it is to be located.
- B. **Conforming Uses.** After the effective date of this ordinance, land or structures, or the uses of land or structures which conform to the regulations for the district in which it is located may be continued, provided that any structural alteration or change in use shall conform with the regulations herein specified for the district in which it is located.
- C. **Continuation of Nonconforming Uses.** After the effective date of this ordinance, land, lots or structures, or the uses of land, lots or structures which would be prohibited under the regulations for the district in which it is located shall be considered as nonconforming. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their continued use. Nonconforming structures or uses may be continued provided they conform to the provisions below.

1. **Nonconforming Lots**

- a. **Minimum Single Lot Requirements** - Where the owner of a lot at the time of the adoption of this ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this ordinance, such lot may be used as a building site for a

single-family residence with related accessory buildings in a district in which residences are permitted. There shall be no alternation of the minimum yard requirements on such lot except where the Louisburg Board of Adjustment finds, after a public hearing, that the values of the neighboring properties would not be unduly depreciated nor would the public safety or welfare be impaired by such action.

- b. **Minimum Multi-Lot Requirements - If two (2) or more adjoining and vacant lots of record are in a single ownership at any time after the adoption of this ordinance, such lots shall be considered as a single lot or several lots which meet the minimum requirements of this ordinance for the district in which such lots are located. No portion of said parcel shall be used or sold which does not meet the area and width requirements established by this ordinance nor shall any division of the parcel be made which leaves any lot remaining with width or area below the requirements of this ordinance.**

2. **Nonconforming Uses of Land and/or Buildings**

- a. Nonconforming use of land or structures shall not hereafter be enlarged or extended in any way.
- b. Any nonconforming uses of land or structures may be changed to any conforming use or with the approval of the Board of Adjustment, to any use or structure more in character with the uses permitted in the district. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this ordinance.
- c. If active operations are discontinued for a continuous period of six (6) months with respect to a nonconforming use, such nonconforming use shall thereafter be used only for a conforming use. Should any nonconforming structure or use of

land be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is relocated.

- d. Normal maintenance, repair, and incidental alteration in a building occupied by a nonconforming use is permitted provided it does not extend the nonconforming use.
- e. If a building occupied by a nonconforming use or nonconforming building is destroyed by any means to an extent of more than eighty (80) percent of its appraised value for tax purposes at the time of destruction, such building may not be restored for any nonconforming use.
- f. The following uses shall be brought into conformity with this ordinance within five (5) years of the date of its passage:
 - 1) Drive-in theaters.
 - 2) Independent advertising signs.
 - 3) Junk cars.
 - 4) Open air storage.
 - 5) Used car lot.
- g. When in the opinion of the Board of Adjustment a specific non conforming use of a pre-existing building which is deemed by the Board of Adjustment to be historically or architecturally significant is requested, a conditional use permit may be granted provided:
 - 1) Due notice is given and public hearing held.
 - 2) Such use does not harm the integrity of the neighborhood.
 - 3) Any subsequent use or change in use shall be re-advertised for a separate and new conditional use permit.

The Board of Adjustment may attach conditions to the permit including but not limited to: parking, number of occupants, landscaping improvements, signage, etc. This shall apply to all zoning districts.

Section 17. SUPPLEMENTARY DISTRICT REGULATIONS.

- A. **Curb Cuts.** Any business or industry which requires lowered or cut-away curbs, for purposes of ingress or egress, shall be subject to the following provisions:

No more than two (2) combined entrances and exits shall be allowed any parcel of property, the frontage of which is less than two hundred (200) feet on any one (1) street. Additional entrances or exits for parcels of property having a frontage in excess of two hundred (200) feet shall be permitted after showing of actual requirements of convenience and necessity and upon approval of the planning board. Where frontage is fifty (50) feet or less, only one (1) combined entrance-exit shall be permitted.

At street intersections, no curb cut shall be located within twenty-five (25) feet of the intersection of two (2) curb lines or such lines extended, or within fifteen (15) feet of the intersection of two (2) property lines, right-of-way lines, or such lines extended, whichever is least restrictive.

The distance between any two (2) curb cuts on the same side of the street shall be not less than thirty (30) feet, except in residential districts.

Said distance shall be measured between the points of tangency of the curb return radii and the established curb line of the abutting street.

All driveways shall be constructed so as to be at least five (5) feet from any property line, except that a curb return may become tangent to a curb line at a point where said property line extended intersects said curb line.

The minimum width of any one-way driveway shall be twelve (12) feet and the maximum width shall be thirty (30) feet. Maximum width of any two-way driveway shall be thirty-six (36) feet measured at the right-of-way line.

B. **Visibility at Intersection.** On a corner lot in all zoning districts nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half (2 1/2) feet and ten (10) feet in a triangular area formed by a diagonal line between two (2) points on the rights-of-way lines, twenty (20) feet from where they intersect.

C. **Building Heights.** No building shall exceed thirty-five (35) feet in height; church spires, flagpoles, antennas, chimneys, and similar accessories to structures are exempt from this height limitation.

D. **Temporary Zoning Permit.(amnd. 5/15/06)**

A permit authorizing the temporary use of a parcel for a specific use and specific temporary period of time. Temporary Zoning permits may be issued to:

- Documented, tax exempt, non-profit organizations for uses associated with fundraising activities. Examples including volunteer fire/rescue departments, local school organizations, Boy/Girl Scouts, churches, various associations.
- Church organizations for revival services or other outreach activities
- Miscellaneous non-profit group or association activities which result in public gatherings. Examples including school band performances, memorial observances, seasonal events, etc.

Temporary zoning permits shall be limited to three issuances per year for fundraising activities, with each issuance period not exceeding two days. Certain activities such as yard sales and flea sales are allowed only on the primary use site of the

requesting entity and not on other parcels unless specifically allowed. (Example: A fundraising yard sale or miscellaneous flea sale for a church or school may be conducted on the site of the school or church, or within an established flea market).

Specific activities may be granted extended issuance periods. The following uses are allowed with extended periods of operation:

- Christmas tree sales: 45 days

The Louisburg Zoning Administrator shall issue temporary permits upon the satisfaction of the following requirements:

- 1) No more than one organization may be located on the permitted parcel at a time
- 2) Parking availability, traffic impacts, ingress/egress, noise, impact on adjoining properties, and any other public health, safety and welfare issue shall be considered before issuance of the temporary permit
- 3) The owner of the property has given written authorization for the use of the property for the specific temporary request

Temporary Sign Permit

A temporary permit authorizing the locating of a sign, for a temporary period of time, displaying information specifically related to an activity authorized by an issued Temporary Zoning Permit. Signs displaying information regarding a Town of Louisburg sponsored event open to the public shall be exempt from the requirements herein.

The Louisburg Zoning Administrator may issue a temporary sign permit allowing the locating of such sign on approved property and approved location upon the property. Temporary signs shall be no larger than 12 square feet and may be issued upon the satisfaction of the following provisions:

- 1) No parcel shall have located upon it more than one temporary sign
- 2) Traffic impacts, sight distances at ingress/egress, impact on adjoining properties, and any other public health, safety and welfare issue shall be considered before issuance of the temporary sign permit

- 3) Each approved temporary zoning permit use shall be allowed one sign located upon the parcel of the temporary use during the issuance period. No more than one (1) additional temporary signs may be located on other separate, approved parcels.
- 4) The additional temporary sign shall be allowed to be installed no more than five (5) days prior to the operation of the temporary use.
- 5) Temporary signs shall NOT be located in any Public right-of-way. Placement of any sign in a public right-of-way shall result in its immediate removal by the Town of Louisburg and the revocation of the temporary sign permit authorizing the initial placement.

Temporary signs displaying information regarding a civic fundraiser for a documented, tax exempt, non-profit organization not taking place within the Town of Louisburg may be issued under the following provisions:

- 1) No parcel shall have located upon it more than one temporary sign
- 2) Traffic impacts, sight distances at ingress/egress, impact on adjoining properties, and any other public health, safety and welfare issue shall be considered before issuance of the temporary sign permit
- 3) Each approved organization conducting a fundraiser occurring outside of the corporate limits of the Town of Louisburg may be allowed one temporary sign, installed on the day of the fundraiser
- 4) Temporary signs shall NOT be located in any Public right-of-way. Placement of any sign in a public right-of-way shall result in its immediate removal by the Town of Louisburg and the revocation of the temporary sign permit authorizing the initial placement.

All temporary signs shall be removed immediately upon the end of the approved temporary activity. Failure to remove the temporary sign within two (2) days shall result in the removal and disposal of the sign by the Town of Louisburg.

SECTION 18 - WATERSHED PROTECTION ORDINANCE

The Louisburg Town Council has adopted the Louisburg Watershed Protection Ordinance which has been included herein for ease of reference.

Section 18.100: AUTHORITY AND GENERAL REGULATIONS

Section 18.101. Authority and Enactment.

The legislature of the State of North Carolina has, in Chapter 160A, Article 8, Section 174, General Ordinance Authority; and in Chapter 143, Article 21, Watershed Protection Rules, delegated the responsibility or directed local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Governing Board of Louisburg does hereby ordain and enact into law the following articles as the Watershed Protection Ordinance of Louisburg, North Carolina, and hereby amends the Louisburg Zoning Ordinance to include this Article as Section 18.5. The Louisburg Town Council further adopts all areas so denoted by the State of North Carolina as "watersheds" within Louisburg and establishes these areas as "Watershed Overlay Zoning Districts."

Section 18.102. Jurisdiction.

The provisions of this Ordinance shall apply within the areas designated as a Public Water Supply Watershed by the N.C. Environmental Management Commission and shall be defined and established on the map entitled, "Watershed Protection Map of Louisburg, North Carolina" ("the Watershed Map"), which is adopted simultaneously herewith. The Watershed Map and all explanatory matter contained thereon accompanies and its hereby made a part of this Ordinance. This Ordinance shall be permanently kept on file in the office of the Planning Director.

Section 18.103. Exceptions to Applicability

(A) Nothing contained herein shall repeal, modify, or amend any Federal or State law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations specifically replace; nor shall any provision of this ordinance amend, modify, or restrict any provisions of the Code of Ordinances of Louisburg; however, the adoption of this Ordinance shall and does amend any and all ordinances, resolutions, and regulations in effect in Louisburg at the time of adoption of this Ordinance that may be construed to impair or

reduce the effectiveness of this Ordinance or to conflict with any of its provisions.

(B) It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of a building or land, then the provisions of these regulations shall control.

(C) Existing development, as defined in this ordinance, is not subject to the requirements of this ordinance. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

(D) A pre-existing lot owned by an individual prior to the effective date of this ordinance, regardless of whether or not a vested right has been established, may be developed for single family residential purposes without being subject to the restrictions of this ordinance. However, this exception is not applicable to multiple contiguous lots under single ownership. See Section 307(A)(2) regarding the recombination of existing lots.

Section 18.104. Criminal Penalties.

Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with NCGS 14-4. The maximum fine for each offense shall not exceed \$500.00. Each day that the violation continues shall constitute a separate offense.

Section 18.105. Remedies

(A) If any subdivision, development and/or land use is found to be in violation of this Ordinance, the Louisburg Town Council may, in addition to all remedies available either in law or in equity, institute a civil penalty in the amount of \$500.00, action or proceedings to restrain, correct, or abate the violation; to prevent occupancy of the building, structure, or land; or to prevent any illegal act, conduct, business, or use in or about the premises. In addition, the N.C. Environmental Management Commission may assess civil penalties in accordance with G.S.143-215.6(a). Each day that the violation continues shall constitute a separate offense.

(B) If the Watershed Administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He/She shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions. If a ruling of the Watershed Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Watershed Review Board.

Section 18.106. Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, the declaration shall not affect the validity of this ordinance as a whole or any part thereof that is not affect the validity of this Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

Section 18.107. Effective Date.

This Ordinance Amendment as adopted this 27th day of September, 1993, shall take effect and be in force on October 1, 1993.

SUBDIVISION REGULATIONS

Section 18.201. General Provisions

(A) No subdivision plat of land within the Public Water Supply Watershed shall be filed or recorded by the Register of Deeds until it has been approved in accordance with the provisions of this Article. Likewise the Clerk of the Superior Court shall not order or direct the recording of a plat if the recording of such plat would be in conflict with this Article.

(B) The approval of a plat does not constitute or effect the acceptance by the town or the public of the dedication of any street or other ground, easement, right-of-way, public utility, or other public facility shown on the plat and shall not be construed to do so.

(C) All subdivisions shall conform with the mapping requirements contained in G.S.47-30.

(D) All subdivisions of land within the jurisdiction of the town after the effective date of this ordinance shall require a plat to be prepared, approved, and recorded pursuant to this ordinance.

Section 18.202. Subdivision Application and Review Procedures.

(A) All proposed subdivisions shall be reviewed prior to recording with the Register of Deeds by submitting a vicinity map to the Watershed Administrator to determine whether or not the property is located within the designated Public Water Supply Watershed. Subdivisions that are not within the designated watershed area shall not be subject to the provisions of this ordinance but must meet the subdivision requirements in the Louisburg Subdivision Ordinance. Subdivisions within the designated watershed area shall comply with the provisions of this Article and all other state and local requirements that may apply.

(B) Subdivision applications shall be filed with the Watershed Administrator. The application shall include a completed application form, six (6) copies of the plat and supporting documentation deemed necessary by the Watershed Administrator or the Watershed Review Board. (see appendix _).

(C) the Watershed Administrator shall review the completed application and submit recommendations to the Watershed Review Board for further review and final action. The Watershed Review Board shall either approve, approve conditionally or disapprove each application by a majority vote of the members present and voting. Applications shall be submitted to the Administrator at least fourteen (14) days prior to the regularly scheduled meeting of the Board. The Watershed Review Board shall take final action within forty-five (45) days of its first consideration.

The Watershed Administrator or the Board may provide public agencies an opportunity to review and make recommendations. However, failure of the agencies to submit their comments and recommendations shall not delay the Board's action within the prescribed time limit. Said public agencies may include, but are not limited to, the following:

(1) The district highway engineer with regard to proposed streets and highways.

(2) The director of the Health Department with regard to proposed private water system or sewer systems normally approved by the Health Department.

(3) The state Division of Environmental Management with regard to proposed sewer systems normally approved by the Division, engineered storm water controls or storm water management in general.

(4) Any other agency or official designated by the Watershed Administrator or Watershed Review Board.

(D) If the Watershed Review Board approves the application, such approval shall be indicated on two (2) copies of the plat by the following certificate and signed by the chairman or other authorized member of the board:

Certificate of Approval for Recording

I certify that the plat shown hereon complies with the Watershed Protection Ordinance and is approved by the Watershed Review Board for recording in the Register of Deeds office.

NOTE: This property is located within a Public Water Supply Watershed and development restrictions may apply.

Date

Chairman, Watershed Review Board

(E) If the Watershed Review Board disapproves or approves conditionally the application, the reasons for such action shall be stated in writing for the applicant and entered in the minutes. The subdivider shall constitute a separate request for the purpose of review.

(F) All subdivision plats shall comply with the requirements of the Louisburg Subdivision Ordinance, this ordinance, and all requirements for recordation with the Franklin County Register of Deeds.

(G) The approval of a subdivision plat within a Public Water Supply Watershed is authorization for the plat to be recorded with the Register of Deeds. All such plats shall be recorded

with the Register of Deeds within six (6) months from the date of approval by the Watershed Review Board. If the plat is not recorded within this period, it shall expire. The plat may be resubmitted for review and it shall be reviewed against the ordinance in effect at that time.

The Subdivider shall provide the Watershed Administrator with evidence that the plat has been recorded with the Register of Deeds within five (5) working days of its being recorded.

Section 18.203. Subdivision standards and required improvements.

(A) All lots shall provide adequate building space in accordance with the development standards contained in Article 300. Any area shown on a plat which is required as "open space" in order to meet the provisions of this article shall be clearly noted on the plat. This Note shall also include the following certification:

CERTIFICATION OF RESERVED WATERSHED OPEN SPACE

I certify that all areas shown and noted on this plat as "Reserved Watershed Open Space" are required areas in order to comply with all Provisions of the Louisburg Watershed Ordinance and are hereby reserved as a condition of permitting development upon this land shown hereon.

At no point shall these areas be Subdivided, Recombined, or in any way acted upon as to create a non-conformancy with regards to this article or the Louisburg Zoning Ordinance.

Owner

Date

(B) For the purpose of calculating build-upon area, total project area shall include total acreage in the tract on which the project is to be developed.

(C) Storm Water Drainage Facilities. The application shall be accompanied by a description of the proposed method of providing storm water drainage. The subdivider shall provide a drainage system that diverts stormwater runoff away from surface waters and incorporates best management practices to minimize water quality impacts.

The plans for such storm water drainage facilities shall be prepared by a Licensed engineer or Registered land surveyor and certified/sealed by a Licensed engineer or Registered land surveyor, stating to the effect that the facilities meet all state and local requirements.

(D) Erosion and Sedimentation Control. The application shall, where required, be accompanied by a written statement that a Sedimentation and Erosion Control Plan has been submitted to and approved by the N.C. Division of Land Quality.

(E) Roads constructed in critical areas and watershed buffer areas. Where possible, roads should be located outside of critical areas and watershed buffer areas. Roads constructed within these areas shall be designed and constructed so to minimize their impact on water quality.

Section 18.204. Construction Procedures.

(A) No construction or installation of improvements shall commence in a proposed subdivision until a subdivision plat has been approved by the Watershed Review Board.

(B) No building or other permits shall be issued for erection of a structure on any lot not of record at the time of adoption of this Ordinance until all requirements of this Ordinance have been met. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Watershed Administrator to provide for adequate inspection.

Section 18.205. Penalties for Transferring Lots in Unapproved Subdivision.

Any person who, being the owner or agent of the owner, of any land located within the jurisdiction of the Town of Louisburg, thereafter subdivides his/her land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the office of the Register of Deeds, shall be guilty of a misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with this ordinance.

DEVELOPMENT REGULATIONS

Section 18.301. Establishment of Watershed Areas.

The purpose of this Article is to list and describe the watershed areas herein adopted.

For purposes of this ordinance the Town of Louisburg hereby adopts these Overlay Zoning districts to correspond with the following Watershed classifications as established and delineated by the North Carolina Environmental Management Commission and further identified on the Louisburg Watershed Map.

WS-IV-CA (Critical Area)
WS-IV-PA (Protected Area)

Section 18.302. Watershed Areas Described.

(A) WS-IV Watershed Areas - Critical Area (WS-IV-CA).

Only new development activities that require an erosion/sedimentation control plan under the State law or approved local program are required to meet the provisions of this ordinance when located in the WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential uses are allowed at a maximum of two (2) dwelling units per acre. This density shall be allowed when considering the granting of a "Cluster Development". All other residential and non-residential development shall be allowed twenty-four percent (24%) built-upon area. New sludge application sites and landfills are specifically prohibited.

(1) Allowed Uses:

(a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990. Agricultural activities conducted after January 1, 1993 shall maintain a minimum of ten (10) foot vegetative buffer, or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Animal operations greater than 100 animal units shall employ Best Management Practices by July 1, 1994 recommended by the Soil and Water Conservation Commission.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).

(c) Residential.

(d) Non-residential development, excluding: 1) the storage of toxic and hazardous materials unless a spill containment plan is implemented, 2) landfills, and 3) sites for land application of sludge/residuals or petroleum contaminated soils.

(2) Density and Built-upon Limits:

(a) Single Family Residential -- development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis, but shall comply with base zoning regulations. No Residential lot shall be less than one-half (1/2) acre, except within an approved cluster development.

(b) All Other Residential and Non-Residential -- development shall not exceed twenty-four percent (24%) built-upon areas on a project by project basis. For the purpose of calculating built-upon area, total project areas shall include total acreage in the tract on which the project is to be developed.

(B) WS-IV Watershed Areas - Protected Area (WS-IV-PA).

Only new development activities that require an erosion/sedimentation control plan under the State law or approved local program are required to meet the provisions of this ordinance when located in the WS-IV watershed. In order to address a moderate to high land use intensity pattern, single family residential uses shall develop at a maximum of two (2) dwelling units per acre when being considered for "Cluster Development" approval. All other residential and non-residential development shall be allowed at a maximum of twenty-four percent (24%) built-upon area. A maximum of three (3) dwelling units per acre or thirty-six (36%) percent built-upon area MAY be allowed for projects without a curb and gutter street system. All projects shall comply with base zoning regulations.

(1) Allowed Uses:

(a) Agriculture subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.

(b) Silviculture, subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15 NCAC 1I.6101-.0209).

(c) Residential development.

(d) Non-residential development excluding discharging landfills and the storage of toxic and hazardous materials unless a spill containment plan is implemented.

(2) Density and Built-upon Limits:

(a) Single Family Residential -- development shall not exceed two (2) dwelling units per acre, as defined on a project by project basis. No Residential lot shall be less than one-half (1/2) acre, or one-third (1/3) acre for projects without curb and gutter system, except within an approved cluster development.

(b) All Other Residential and Non-Residential -- development shall not exceed twenty-four percent (24%) built-upon areas on a project by project basis. For projects without a curb and gutter street system, development shall not exceed thirty-six percent (36%) built-upon area on a project by project basis. For the purpose of calculating built-upon area, total project areas shall include total acreage in the tract on which the project is to be developed.

In the event that Base Zoning regulations are more restrictive than the provisions contained within this Article, the more restrictive requirements shall apply when determining whether a project satisfies permitting. The only case where this MAY not hold true is in the consideration of "Cluster Development."

Section 18.303. Cluster Development.

Clustering of development is allowed in all Watershed Areas (except WS-1) under the following conditions:

(A) Minimum lot sizes are not applicable to single family cluster development projects; however, the total number of lots shall not exceed the number of lots allowed for single family detached developments in Section 18.5.302. Built-upon area of the project shall not exceed that allowed for the critical area or protected area, whichever applies.

(B) All built-upon area shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow.

(C) The remainder of the tract shall remain in a vegetated or natural state. An incorporated property owners association, with title to required open space area, shall be required for "Cluster Development". Where there is no Property Owners Assc., minimum lot area requirements for the WS-IV Overlay district shall prevail. [found in base zoning lot size requirements]

Section 18.304. Buffer Area Required.

(A) A minimum one hundred-twenty(120) foot vegetative buffer is required for all new development activities that exceed the low density option; otherwise a minimum thirty (50) foot vegetative buffer for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000(7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streamback or shoreline stabilization is permitted. **(amended 9/99)**

(B) No Land Disturbing activity is allowed in the buffer except for water dependent structures and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface water and maximize the utilization of stormwater Best Management Practices.

Section 18.305. Rules Governing the Interpretation of Watershed Area Boundaries. Where uncertainty exists as to the boundaries of the watershed areas, as shown on the Watershed Map, the following rules apply:

(A) Where area boundaries are indicated as approximately following either street, alley, railroad or highway lines or centerlines thereof, such lines shall be construed to be said boundaries.

(B) Where area boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be said boundaries. However, a surveyed plat prepared by a registered land surveyor may be submitted to the County as evidence that one or more properties along these boundaries do not lie within the watershed area.

(C) Where the watershed area boundaries lie at a scaled distance more than twenty-five (25) feet from any parallel lot line, the location of watershed area boundaries shall be determined by use of the scale appearing on the watershed map.

(D) Where the watershed area boundaries lie at a scaled distance of twenty-five (25) feet or less from any parallel lot line, the location of watershed area boundaries shall be construed to be the lot line.

(E) Where other uncertainty exists, the Watershed Administrator shall interpret the Watershed Map as to location of such boundaries. This decision may be appealed to the Watershed Review Board.

Section 18.306. Application of Regulations.

(A) No building or land shall hereafter be used and no development shall take place except in conformity with the regulations herein specified for the watershed area in which it is located.

(B) No area required for the purpose of complying with the provisions of this ordinance shall be included in the area required for another building.

(C) Every residential building hereafter erected, moved or structurally altered shall be located on a lot which conforms to the regulations herein specified, except as permitted in Section 307.

(D) If a use or class of use is not specifically indicated as being allowed in the watershed area, such use or class of use is prohibited.

Section 18.307. Existing Development.

Any existing development as defined in this ordinance, may be continued and maintained subject to the provisions provided herein. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of existing development is not required to be included in the density calculations.

(A) Vacant Lots. This category consists of vacant lots for which plats or deeds have been recorded in the office of the Register of Deeds of Franklin County. Lots may be used for any of the uses allowed in the watershed area in which it is located, provided the following:

(1) Where the lot area is below the minimum specified in this ordinance the Watershed Administrator is authorized to issue a Watershed protection permit.

(2) Notwithstanding the foregoing, whenever two or more contiguous residential vacant lots of record are in single ownership at any time after the adoption of this ordinance and such lots individually have less area than the minimum requirements for residential purposes for the watershed area in which such lots are located, such lots shall be combined to create one or more lots that meet the standards of this ordinance, or if this is possible, reduce to the extent possible the nonconformity of the lots prior to the issuance of any development permits.

(B) Occupied Lots. This category consists of lots, occupied for residential purposes at the time of the adoption of this ordinance. These lots may continue to be used provided that whenever two or more adjoining lots of record, one of which is occupied, are in single ownership at any time after the adoption of this ordinance, and such lots individually or together have less area than the minimum requirements for residential purposes for the watershed area in which they are located, such lots shall be combined to create lots which meet the minimum size requirements or which minimize the degree of nonconformity.

(C) Uses of Land. This category consists of uses existing at the time of adoption of this ordinance where such use of the land is not permitted to be established hereafter in the watershed area in which it is located. Such uses may be continued except as follows:

(1) When such use of land has been changed to an allowed use, it shall not thereafter revert to any prohibited use.

(2) Such use of land shall be changed only to an allowed use.

(3) When such use ceases for a period of at least six months, or burns beyond the percentage set in the base zoning regulations, it shall not be reestablished.

(D) Reconstruction of Buildings or Built-upon Areas. Any existing building or built-upon area not in conformance with the restrictions of this ordinance that has been damaged or removed may be repaired and/or reconstructed, except that there are no restrictions on single family residential development, provided:

(1) Repair or reconstruction is initiated within twelve (12) months and completed within two (2) years of such damage.

(2) The total amount of space devoted to built-upon area may not be increased unless stormwater control that equals or exceeds the previous development is provided.

Section 18.308. Watershed Protection Permit.

(A) Except where a single family residence is constructed on a lot deeded prior to the effective date of this ordinance, no building or built-up area shall be erected, moved enlarged or structurally altered, nor shall any building permit be issued nor shall any change in the use of any building or land be made until a Watershed Protection Permit has been issued by the Watershed Administrator. No Watershed Protection Permit shall be issued except in conformity with the provisions of this ordinance.

(B) Watershed Protection Permit applications shall be filed with the Watershed Administrator. The application shall include a completed application form (see Appendix A) and supporting documentation deemed necessary by the Watershed Administrator.

(C) Prior to issuance of a Watershed Protection Permit, the Watershed Administrator may consult with qualified personnel for assistance to determine if the application meets the requirements of this ordinance.

(D) A Watershed Protection Permit shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained

by the applicant within twelve (12) months from the date of issuances.

Section 18.309. Building Permit Required.

Except for a single family residence constructed on a lot deeded prior to the effective date of this ordinance, no permit required under the North Carolina State Building Code be issued for any activity for which a Watershed Protection Permit is required until that permit has been issued.

Section 18.310. Watershed Protection Occupancy Permit.

(A) The Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met prior to the occupancy or use of a building hereafter erected, altered or moved and/or prior to the change of use of any building or land.

(B) A Watershed Protection Occupancy Permit, either for the whole or part of a building, shall be applied for coincident with the application for a Watershed Protection Permit and shall be issued or denied within ten (10) days after the erection or structural alterations of the building.

(C) When only a change in use of land or existing building occurs, the Watershed Administrator shall issue a Watershed Protection Occupancy Permit certifying that all requirements of this ordinance have been met coincident with the Watershed Protection Permit.

(D) If the Watershed Protection Occupancy Permit is denied, the Watershed Administrator shall notify the applicant in writing stating the reasons for denial.

(E) All administrative procedures as established by the Watershed Administrator shall be complied with PRIOR to the issuance of an Occupancy permit.

(F) No building or structure which has been erected, moved, or structurally altered may be occupied until the Watershed Administrator has approved and issued a Watershed Protection Occupancy Permit.

PUBLIC HEALTH REGULATIONS

Section 18.401. Public Health, in general.

No activity, situation, structure or land use will be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Such conditions may arise from inadequate on-site sewage systems which utilize ground absorption; inadequate sedimentation and erosion control measures; the improper storage or disposal of junk, trash or other refuse within a buffer area; the absence or improper implementation of a spill containment plan for toxic and hazardous materials; the improper management of stormwater runoff; or any other situation found to pose a threat to water quality.

Section 18.402. Abatement.

(A) The Watershed Administrator shall monitor land use activities within the watershed areas to identify situations that may pose a threat to water quality.

(B) the Watershed Administrator shall report all findings to the Watershed Review Board. The Watershed Administrator may consult with any public agency or official and request recommendations.

(C) Where the Watershed Review Board finds a threat to water quality and the public health, safety and welfare, the Board shall institute any appropriate action or proceeding to restrain, correct or abate the condition and/or violation.

ADMINISTRATION, ENFORCEMENT AND APPEALS

Section 18.501. Watershed Administrator and Duties thereof.

The Town Administrator shall appoint a Watershed Administrator, who shall be duly sworn in. The Louisburg Zoning Administrator shall serve as the Watershed Administrator, and in his/her absence the Town Administrator shall serve as Watershed Administrator. It shall be the duty of the Watershed

Administrator to administer and enforce the provisions of this ordinance as follows:

(A) The Watershed Administrator shall issue Watershed Protection Permits and Watershed Protection Occupancy Permits as prescribed herein. A record of all permits shall be kept on file and shall be available for public inspection during the regular office hours of the Administrator.

(B) The Town Administrator shall appoint an individual who shall serve as clerk to the Watershed Review Board.

(C) The Watershed Administrator shall keep records of all amendments to the local Water Supply Watershed Protection Ordinance and shall provide copies of all amendments upon adoption to the Division of Water Quality.

(D) The Watershed Administrator is granted the authority to administer and enforce the provisions of this Ordinance, exercising in the fulfillment of his/her responsibility the full police power of the county. The Watershed Administrator, or his duly authorized representative, may enter any building, structure, or premises, as provided by law, to perform any duty imposed upon him/her by this Ordinance.

(E) The Watershed Administrator shall keep a record of variances to the local Water Supply Watershed Protection Ordinance. This record shall be submitted each calendar year to the Division of Water Quality on or before January 1st of the following calendar year and shall provide a description of each project receiving a variance and the reasons for granting the variance.

Section 18.502. Appeal from the Watershed Administrator.

An order, requirement, decision or determination made by the Administrator must be submitted to the Watershed Review Board within thirty (30) days from the date the order, interpretation, decision or determination is made. All appeals must be made in writing stating the reasons for appeal. Following submission of an appeal, the Watershed Administrator shall transmit to the Board all papers constituting the record upon which the action appealed was taken.

An appeal stays all proceedings in furtherance of the action appealed, unless the officer from whom the appeal is taken certifies to the Board after the notice of appeal has been filed with him, that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application of notice of the officer from whom the appeal is taken and upon due cause shown.

The Board shall fix a reasonable time for hearing the appeal and give notice thereof to the parties and shall decide the same within a reasonable time. At the hearing any party may appear in person, by agent or by attorney.

Section 18.503. Changes and Amendments to the Watershed Protection Ordinance.

(A) The Louisburg Town Council may, on its own motion or on petition, after public notice and hearing, amend, supplement, change or modify the watershed regulations as described herein.

(B) No action shall be taken until the proposal has been submitted to the Watershed Review Board for review and recommendations. If no recommendations have been received from the Watershed Review Board within forty-five (45) days after submission of the proposal to the Chairman of the Watershed Review Board, the Town Council may proceed as though a favorable report had been received.

(C) Under no circumstances shall the Town Council adopt such amendments, supplements or changes that would cause this ordinance to violate the watershed protection rules as adopted by the N.C. Environmental Management Commission. All amendments must be filled with the N.C. Division of Environmental Management, N.C. Division of Environmental Health, and the N.C. Division of Community Assistance.

Section 18.504. Public Notice and Hearing Required.

Before amending any section of this Ordinance the provisions as set forth in the Louisburg Zoning Ordinance regarding Notice and Hearings must be complied with fully.

Section 18.505. Establishment of Watershed Review Board.

(A) There shall be and hereby is created the Watershed Review Board consisting of seven (7) members appointed by the Louisburg Town Council and Franklin County Commissioners.

Five (5) in-town residents of Louisburg shall be appointed for three year terms. Two (2) residents of Franklin County, but within the Louisburg ETJ shall be appointed for two (2) year terms. Thereafter, all new terms shall be for three (3) years, and members may be re-appointed.

(B) Two (2) alternate members shall be appointed to serve on the Watershed Review Board in the absence of any regular member and shall be appointed for three (3) year terms. While attending in the capacity of a regular member, the alternate shall have and exercise all the powers and duties of the absent regular member.

Section 18.506. Rules of Conduct for Members.

Members of the Board may be removed by the Louisburg Town Council for cause, including violation of the rules stated below:

(A) Faithful attendance at meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite to continuing membership on the Board.

(B) No Board member shall take part in the hearing, consideration, or determination of any case in which he/she is personally or financially interested. A Board member shall have a "financial interest" in a case when a decision in the case will: 1) cause him/her or his/her spouse to experience a direct financial benefit or loss, or 2) will cause a business in which her/she or his/her spouse owns a 10 per cent or greater interest, or is involved in a decision-making role, to experience a direct financial benefit or loss. A Board member shall have a "personal interest" in a case when it involves a member of his/her immediate family (i.e., parent, spouse, or child).

(C) No Board member shall discuss any case with any parties thereto prior to the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from the Watershed Administrator or any

other member of the Board, its secretary or clerk prior to the hearing.

(D) Members of the Board shall not express individual opinions on the proper judgement of any case prior to its determination on that case.

(E) Members of the Board shall give notice to the Chairman at least forty-eight (48) hours prior to the hearing of any potential conflict of interest which he/she has in a particular case before the Board.

(F) No Board member shall vote on any matter that decides an application or appeal unless he/she had attended the public hearing on that application or appeal.

Section 18.507. Powers and Duties of the Watershed Review Board.

(A) Administrative Review. The Watershed Review Board shall hear and decide appeals from any decision or determination made by the Watershed Administrator in the enforcement of this ordinance.

(B) **Variances.** The Watershed Review Board shall have the power to authorize, in specific cases, minor variances from the terms of this Ordinance as will not be contrary to the public interests where, owing to special conditions, a literal enforcement of this Ordinance will result in practical difficulties or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare is secured, and substantial justice done. In addition, the Town shall notify and allow a reasonable comment period for all other local governments having jurisdiction in the designated watershed and the entity using the water supply where the variance is being considered.

(1) Applications for a variance shall be made on the proper form obtainable from the Watershed Administrator and shall include the following information:

(a) A Site Plan, drawn to a scale of at least one (1) inch to forty (40) feet, or as approved at an acceptable scale by the Administrator, indicating the property lines of the parcel upon which the use is proposed; any existing or proposed structures; parking areas and other built-upon areas; surface water drainage. The site plan shall be

neatly drawn and indicate north point, name and address of person who prepared the plan, date of the original drawing, all requirements in order to comply with the provisions of this ordinance, and an accurate record of the later revisions. Any and all other requirements set forth by the Administrator.

(b) A complete and detailed description of the proposed variance, together with any other pertinent information which the applicant feels would be helpful to the Watershed Review Board in considering the application.

(c) The Watershed Administrator shall notify in writing each local government having jurisdiction in the Watershed and the entity using the water supply. Such notice shall include a description of the variance being requested. Local governments receiving notice of the variance request may submit comments to the Watershed Administrator prior to a decision by the Watershed Review Board. Such comments shall become part of a record of proceedings of the Watershed Review Board.

(2) Before the Watershed Review Board may grant a variance, it shall make the following three findings, which shall be recorded in the permanent record of the case, and shall include the factual reasons on which they are based:

(a) There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance. In order to determine that there are practical difficulties or unnecessary hardships, the Board must find that the five following conditions exist:

(1) If he/she complies with the provisions of the Ordinance, the applicant can secure no reasonable return from, or make reasonable use of, his/her property. Merely proving that the variance would permit a greater profit to be made from the property will not be considered adequate to justify the Board in granting a variance. Moreover, the Board shall consider whether the variance is the minimum possible deviation from the terms of the Ordinance that will make possible the reasonable use of the property.

(2) The hardship results from the application of the Ordinance to the property rather than from other factors such as deed restrictions or other hardship.

(3) The hardship is due to the physical nature of the applicant's property, such as its size, shape, or topography, which is different from that of neighboring property.

(4) The hardship is not the result of the actions of the applicant who knowingly or unknowingly violates the Ordinance, or who purchases the property after the effective date of this Ordinance, and then comes to the Board for relief.

(5) The hardship is peculiar to the applicant's property, rather than the result of conditions that are widespread. If other properties are equally subject to the hardship created in the restriction, then granting a variance would be a special privilege denied to others, and would not promote equal justice.

(b) The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.

(c) In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done. The Board shall not grant a variance if it finds that doing so would in any respect impair the public health, safety, or general welfare.

(3) In granting the variance, the Board may attach thereto such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable in furtherance of the purpose of this ordinance. If a variance for the construction, alteration or use of property is granted, such construction, alteration or use shall be in accordance with the approved site plan.

(4) The Watershed Review Board shall refuse to hear an appeal or an application for a variance previously denied if it finds that there have been not substantial changes in conditions or circumstances bearing on the appeal or application.

(5) A variance issued in accordance with this Section shall be considered a Watershed Protection Permit and shall expire if a Building Permit or Watershed Occupancy Permit for such use is not obtained by the applicant within six (6) months form the date of the decision.

(6) If the application calls for the granting of a major variance, and if the Watershed Review Board decides in favor of the granting the variance, the Board shall prepare a preliminary record of the hearing with all deliberate speed. The preliminary record of the hearing shall include:

- (a) The variance application;
- (b) the hearing notices;
- (c) The evidence presented;
- (d) Motions, offers of proof, objections to evidence, and rulings on them;
- (e) Proposed findings and exceptions;
- (f) The proposed decision, including all conditions proposed to be added to the permit.

The preliminary record shall be sent to the Environmental Management Commission for its review as follows:

(a) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure no reasonable return from, nor make any practical use of the property unless the proposed variance is granted, and (2) the variance, if granted, will not result in the serious threat to the water supply, then the Commission shall approve the variance as proposed or approve the proposed variance with conditions and stipulations. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. If the Commission approves the variance as proposed, the Board shall prepare a final decision granting the proposed variance. If the Commission approves the variance with conditions and stipulations, the Board shall prepare a final decision, including such conditions and stipulations, granting the proposed variance.

(b) If the Commission concludes from the preliminary record that the variance qualifies as a major variance and that (1) the property owner can secure a reasonable return from or make a practical use of the property without the variance or (2) the variance, if granted, will result in a serious threat to the water supply, then the Commission shall deny approval of the variance as proposed. The Commission shall prepare a Commission decision and send it to the Watershed Review Board. The Board shall prepare a final decision denying the variance as proposed.

(C) Subdivision approval. see Article 200.

(D) Public Health. see Article 400.

Section 18.508. Appeals from the Watershed Review Board.

Appeals from the Watershed Review Board must be filed with the Superior Court within 30 days from the date of the decision. The decisions by the Superior Court will be in manner of certiorari.

Section 18.600: DEFINITIONS

Section 18.5.601. General Definitions.

Agricultural Use: The use of waters for stock watering, irrigation, and other farm purposes.

Animal Unit: A unit of measurement developed by the U.S. Environmental Protection Agency that is used to compare different types of animal operations.

Best Management Practices (BMP): A structural or nonstructural management based practice used singularly or in combination to reduce non-point source inputs to receiving waters in order to achieve water quality protection goals.

Buffer: An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Building: Any structure having a roof supported by columns or by walls, and intended for shelter, housing or enclosure of persons, animals or property. The connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

Built-upon area: Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas

(e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: wooden slatted decks and the water area of a swimming pool are considered pervious.)

Cluster Development: The grouping of buildings in order to conserve land resources and provide for innovation in the design of the project. This term includes non-residential development as well as single family residential and multi-family developments. For the purpose of this Ordinance, planned unit development and mixed use development are considered as cluster development.

Composting Facility: A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing and landscaping operations is deposited.

Critical Area: The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

Customary Home Occupations: Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over twenty-five percent (25%) of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck, etc.

Development: Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

Discharging Landfill: A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

Dwelling Unit: A building, or portion thereof, providing complete and permanent living facilities for one family.

Existing Development: Those projects that are built or those project that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

(1) substantial, expenditure of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or

(2) having an outstanding valid building permit as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1), or

(3) having expended substantial resources (time, labor, money) and having an approved site specific or phased development plan as authorized by the General Statutes (G.S. 153A-344.1 and G.S. 160A-385.1).

Existing Lot (Lot of Record): A lot which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this ordinance.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no such family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families.

Hazardous Material: Any substance listed as such in : SARA Section 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or Section 311 of CWA (oil and hazardous substances).

Industrial Development: An non-residential development that requires an NPDES permit for an industrial discharge and/or

requires the use of or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

Landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities.

Lot: A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Major Variance: A variance from the minimum statewide water supply watershed protection criteria that results in any one or more of the following:

(1) any variation in the design, maintenance or operation requirements of a wet detention pond or other approved stormwater system;

(2) the relaxation, by a factor greater than ten (10) percent, of any management requirement;

Minor Variance: A variance that does not qualify as a major variance.

Non-Conforming Lot of Record: A lot described by a plat or a deed that was recorded prior to the effective date of this Ordinance that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

Non-residential Development: All development other than residential development, agriculture and silviculture.

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

Protected Area (PA): Area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of protected areas are defined as five miles upstream and draining to water supply

reservoirs, or ten miles upstream and draining to water intakes located in rivers or streams, or the ridge line of the watershed, whichever comes first.

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

Single Family Residential: Any development where: 1) no building contains more than one dwelling unit, 2) every dwelling unit is on a separate lot, and 3) where no lot contains more than one dwelling unit

Street (Road): A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

Structure: Anything constructed or erected, including but not limited to buildings, which requires location on the land or the attachment to something having permanent location on the land.

Subdivider: Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

Subdivision: All division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all division of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standard of this ordinance;

(2) The division of land into parcels greater than 10 acres where not street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three

lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance;

(5) The division of a tract into plots or lots used as a cemetery.

Toxic Substance: Any substance or combination of substances (including disease causing agents), which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in such organisms or their off spring or other adverse health effects.

Variance: A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this ordinance.

Water Dependent Structure: Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlet for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.

Watershed: The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Watershed Administrator: An official or designated person of the Town of Louisburg responsible for administration and enforcement of this ordinance.

Section 18.5.602. Word Interpretation.

For the purpose of this ordinance, certain works shall be interpreted as follows:

- Words in the present tense include the future tense.

- Words used in the singular number include the plural, and words used in the plural number include the singular, unless in the natural construction of the wording indicates otherwise.
- The word "person" includes a firm, association, corporation, trust, and company as well as an individual.
- The word "structure" shall include the word "building."
- The word "lot" shall include the words, "plot," "parcel," or "tract."
- The word "shall" is always mandatory and not merely directory.
- The word "will" is always mandatory and not merely directory.

SECTION 19 - VESTED RIGHTS

PROPOSED SECTION:

A. Intent

It is the intent of this Section to provide a process through which a land owner may obtain vested rights for the development of his/her property.

It is further intended that:

1. Vested rights, as granted herein, pertain only to the development of the property as per the terms and conditions of the approved Site-Specific Plan.
2. Nothing in this article shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of that approval or the Zoning Ordinance.

B. Site-Specific Development Plan

Each applicant for vested rights shall submit a Site-Specific Development Plan. Such plan must meet all specifications as outlined on the Site Plan Checklist.

C. Findings of Fact

A development shall not be recommended by the Planner, Board of Adjustment, or Town Council to receive vested rights unless each of the following findings are made with respect to such development:

1. That the use or development is located, designed, and proposed to be operated so as to maintain or promote the Public Health, Safety, and general Welfare;
2. That the use complies with all required regulations and standards of this ordinance;
3. That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity. In the event of a dispute of value, the reviewing board, after notifying the parties involved, may require appraisals and appraisal testimony to be submitted for its consideration;
4. The use or development conforms with the general plans for the physical development of the Town as embodied in this Ordinance and The Louisburg Land Use Plan.

D. Procedures For Approval of Vested Rights

1. Application of Submittal Requirements - Applications for vested rights shall be filed with the Planning Department. The Planning director shall prescribe the form(s) on which application are to be made, as well as any other material which may reasonably be required to make the determination called for in a particular case. No application shall be accepted by the Department unless it complies with such requirements. Applications which are not complete shall be returned to the applicant with deficiencies noted.
2. Planners Analysis and Conference- Upon completion of the Planning Directors analysis, unless complete conformany is found as to all appropriate Ordinances, policies, and regulations, the planner shall notify the applicant in writing, of deficiencies in the proposed development. The planner shall confer with the applicant in an effort to assist the applicant in bringing the proposal into compliance. All recommended changes shall be recorded in

writing with the reasons therefor attached. Applicant agreement or disagreement with recommendations shall also be recorded.

3. Planners Report - The Planning Director shall report to the reviewing board a written report as to determinations regarding the required findings pursuant to Section 18 - C.
4. Board Review - The Board of Adjustment shall review the application and the Planners report and shall take action based on findings as to the determinations required in **Section 18 - C for Permitted and Conditional Uses that are requesting Vested Rights.**

The Town Council shall review the application and the planners report and shall take action based on findings as to the determinations required in Section 18 - C for Special Exception Uses that request Vested Rights.

5. Public Hearing - The reviewing board shall hold a public hearing on the application at the first available regular meeting, or at such other meeting date as consented to by the applicant.

Notice of the Date, Time, and Place of the public hearing shall be published in a newspaper of general circulation in the Louisburg planning/zoning jurisdiction once a week for two (2) consecutive weeks, with the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date of the hearing.

In the event of counter-arguments and testimony in the negative of the application, the applicant shall bear the burden of presenting evidence sufficient to establish conclusively that the proposed development complies with Section 18 - C.

6. Action by the Reviewing Board - The reviewing board, after considering the planners report and the record of the public hearing, shall take action on the application within thirty-five (35) days following the public hearing based upon all testimony. Action on the application shall be one of the following:
 - a. approval
 - b. approval with conditions
 - c. Denial

7. Amended Applications - If the applicant proposes any substantial amendments to or modifications of the application subsequent to the planners review, an amended application shall be submitted and reviewed as an original application.
8. Notice of Decision and Issuance of Vested Rights - The planner shall cause notice of the disposition of the application to be delivered by certified mail to the applicant and shall cause for the recording of the same in the Planning Department.

E. Duration

1. A zoning right that has been vested as provided in this section shall remain vested for a period of two years unless specifically and unambiguously provided otherwise pursuant to subsection (2). This vesting shall not be extended by any amendments or modifications to a site-specific development plan unless expressly provided by the approval authority at the time the amendment or modification is approved.
2. Notwithstanding the provision of subsection (1), the approval authority may provide that rights be vested for a period exceeding two (2) years but not exceeding five (5) years where warranted in light of all relevant circumstances, involving, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. These determinations shall be in the discretion of the approval authority at the time of the site-specific plan approval.

F. Vesting runs with property

A vested right obtained under this section shall run with the land. After approval of a site-specific development plan, a successor in interest is entitled to exercise the vested right held by the previous owner, as long as the vested right remains valid.

G. Termination

A zoning right that has been vested as provided in this section shall terminate:

1. At the end of the applicable period with respect to buildings and uses for which no valid building permit applications have been filed;
2. With the written consent of the affected landowner;
3. Upon findings by the reviewing board, by ordinance after notice and public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific development plan;
4. Upon payment to the affected landowner compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultants fees incurred after approval by the Town, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
5. Upon findings by the Board of Adjustment, by ordinance after a public notice and hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site-specific development plan; or
6. Upon the enactment or promulgation of a State or Federal law or regulation that precludes development as contemplated in the site-specific development plan, in which case the approval authority may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the plan, by ordinance after public notice and hearing.

H. Voluntary Annexations.

A petition for annexation filed with the Town under G.S. 160A-31 or G.S. 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. 160A-385.1 or G.S. 153A-344.1. A statement that declares that no zoning vested right has been established under G.S. 160A-385.1 or

G.S. 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any such zoning vested right shall be terminated.

Section 20 . Louisburg Special Highway Overlay District

Purpose and Intent

(a) The purpose of this district is to establish the least burdensome regulations to protect and preserve the natural scenic beauty along designated major highways within the Special Highway Overlay District in the town of Louisburg's zoning jurisdiction, while allowing the orderly development of land located along such highways. In order to protect and enhance both the public and private interests in and along the highway system, the district is adopted for the purposes of:

1) Protecting the public investment in and lengthening the time during which highways can continue to serve their functions without expansion or relocation by expediting the free flow of traffic through the creation of parallel accessways, and reducing the hazards arising from multiple points of ingress and egress and cluttered roadside development;

2) Reducing the costs of future highway expansions by requiring that buildings and structures be sufficiently set back from the right-of-way to provide adequate space for roadway improvements, site distances, and adequate storage for vehicles until they can safely enter the highway;

3) Reserving adequate roadside space through which neighborhood traffic may be admitted to and from the highway system in a manner that avoids undue traffic concentrations, sudden turnings and stoppings and other hazards; and

4) Achieving a common unified appearance along a roadway with other jurisdictions of the county.

(b) It is the intent of these regulations that development in the Special Highway Overlay District shall be in harmony with and shall preserve the natural beauty and character of the existing landscape and the historic architecture of Louisburg. Ensuring

the attractiveness of uses will in turn contribute to and enhance trade, capital investment and the general welfare.

(c) As an overlay district, the Special Highway Overlay District provides additional development requirements and standards which must be met by any development on the property. All development within this overlay district shall comply with the regulations of this Part.

Definitions

Amortization. The process of providing for a timed extinction of a use which is not in compliance with this Ordinance.

Bufferyard. The portion of a yard where special plantings may be required by the Zoning Ordinance to separate and partially screen two adjacent land uses that are ordinarily incompatible by virtue of their use.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any person, process, equipment, or goods.

Canopy. A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building.

Certificate of Occupancy. A permit issued by the zoning ordinance, setting forth that a lot, building, structure, or use complies with the zoning ordinance and that the same may be used for the purposes stated therein.

Easement. Any area to which the town has unlimited access for servicing utility lines.

Fence Or Wall, Opaque. A vertical structure constructed of masonry, concrete, metal, or wooden material which does not allow light to pass through.

Height, Building. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. Spires, cupolas, antennae attached to a building, and/or

projections from buildings and water towers are not to be included in the calculation of building height.

Impervious Surface Cover. Any structure or material which significantly reduces or prevents natural absorption of stormwater into the soil. Impervious surface cover includes any built upon area including, but not limited to, buildings or other structures with roofs, sidewalks, driveways, parking lots, streets, and any concrete, stone, brick, asphalt, or gravel surface. For purposes of calculating impervious surface coverage requirements pursuant to the zoning ordinance, calculation is based on the entire zoning lot and gravel or paver block for parking lots containing more than twenty-five (25) spaces is considered impervious at a rate of eighty percent (80%) of the total area covered.

Lot. A parcel of land designated by number or other symbol as part of a legally approved and recorded subdivision, or as described by metes and bounds in a recorded deed.

Lot Coverage. That portion of the lot area, expressed as a percent that is covered by impervious surface cover.

Lot Line. A line or series of connected line segments bounding a lot.

Restaurant (With Drive-Through Service). An establishment which delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Screening. The method by which the view from one site to an adjacent site is shielded or hidden. Screening techniques include bufferyards, berms, and opaque fences or walls.

Service Road. A local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

Setback. The minimum required horizontal distance between a structure and the lot line or street centerline. Building setbacks shall be measured from either the existing right-of-way, or the proposed right-of-way, whichever is more restrictive.

Setback Line. The line which is parallel to and is a given distance from the applicable lot line of a lot or parcel of land as required by the dimensional requirements of this ordinance.

Sight Distance. Sight distance shall mean the length of roadway visible to the driver traveling along the roadway or waiting to enter or cross the roadway. The sight triangle shall include both the horizontal and vertical plane and shall exist at all street intersections and multi-family and non-residential driveway intersections.

Streetyard. That portion of a yard fronting on a public right-of-way or private access easement where special plantings may be required by this ordinance to separate and partially screen the view of the property as seen from the street.

Tract. All contiguous land and bodies of water being disturbed or to be disturbed as a unit, regardless of ownership.

Tree, Large Variety. Any deciduous or evergreen tree whose maximum mature height is greater than thirty-five (35) feet.

Tree, Small Variety (understory). Any deciduous or evergreen tree whose maximum mature height is no greater than twenty-five (25) feet.

Yard. Any area of land located between a lot line and a required setback line. The minimum depth of a yard shall be determined by horizontal measurement at a right angle from the applicable lot line.

Highway district design. The placements of structures, signage, parking, points of access, means of access (private driveway or street vs. public street) landscaping, storm drainage, utilities according to the standards of the ordinance.

Information sign. Any on-premise sign containing no other commercial message, copy, announcement, or decoration other than instruction or direction to the public. Such signs include but are not limited to the following: identifying restrooms, public telephones, automated teller machines, for lease, for sale, walkways, entrance and exit drives, freight entrances, and traffic direction.

Landscaping. The requirements for vegetation and vegetated areas.

Major access corridor. A street or highway usually designed to move large volumes of through traffic from one part of an urban area to another, and usually aided with federal assistance. These corridors usually have separated grades and a minimum of traffic signals. For the purpose of this chapter, the following are major access corridors: US 401.

Nonconforming sign. Any sign, including signs approved by the Board of Adjustment, which was lawfully erected and maintained before the action making them nonconforming takes effect and which currently fails to conform to one (1) or more applicable regulations, standards or restrictions of this chapter.

Off-premises sign. Any sign or structure, pictorial or otherwise, regardless of size or shape which directs attention to a business, commodity, attraction, profession, service or entertainment conducted, sold, offered, manufactured, existing, or provided at a location other than the premises where the sign is located or to which it is affixed. Sometimes called non-point-of-sale sign.

On-premises sign. Any sign or structure, pictorial or otherwise, regardless of size or shape which directs attention to a business, profession, commodity, attraction, service, or entertainment conducted, offered, sold, manufactured, existing, or provided at a location on the premises where the sign is located or to which it is affixed.

Outdoor advertising sign. Any off-premises, off-site, poster, panel, billboard, or non-point-of-sale sign.

Premises. For the purpose of definition the term "premises" shall be interchangeable with the term "lot."

Protective yard. A landscaped yard area which contains no buildings, vehicular surface areas, loading, storage, display or service areas, and regulates certain other uses according

Roof sign. Any sign, including outdoor advertising, attached to and extending from a roof of a structure or building, not including emblems of religious orders.

Location of district

The district is located on both sides of certain designated existing or proposed major highways or principal arterials within the town's zoning jurisdiction and should begin at the outer edge of the **existing or proposed right-of-way**.

(a) The Special Highway Overlay District shall include all land adjacent to and within one thousand-two hundred and fifty (1,250) feet off of the right-of-way of the following highways within the town's zoning jurisdiction.

1) US 401- South

The 1250' dimension shall be adjusted to run with property lines that will generally effect the desired distance off of the right-of-way , yet will clearly reflect the boundary of the district on property maps.

Regulation of uses

(a) Permitted Uses

Subject to the provisions of this Hwy 401 - South district all general uses, conditional uses and special exceptions that are allowed in the R-1, O&I, and B-2 zoning districts are allowed in the Special Highway Overlay District unless specifically enumerated and prohibited.

Pursuant to the provisions contained in this District the Louisburg Town Council can issue in this District the following additional uses as special exceptions:

1. Alternative highway district designs; and landscaping alternate means of compliance.
2. Bed and Breakfast establishments (R-1)
3. Animal Hospitals (O&I)
4. Automotive Sales (B-2)
5. Mini-Storage warehousing - allowed as conditional use on second tier and beyond lots

(b) Prohibited Uses

Expressly prohibited uses district-wide include:

- off - premise signs;
- roof mounted signs;
- signs employing flashing or traveling lights, blinking lights or lights that may be confused with traffic signal lights;

The following uses are hereby enumerated and prohibited within the respective zoning district unless the use may be permitted by the Town Council as part of a Master Land Use Plan Special Exception. (**amnd 2/07**)

R-1 Residential:

- Boarding and Rooming Houses

O&I Office/Institutional:

- Residences allowed with R-2 requirements (only R-1 dimensions allowed for residential uses;
- Off-Street parking facilities
- Multi-Family Housing
- Flea Markets

B-2 Highway Business:

- Bowling Alleys
- Gaming rooms/facilities
- Adult Entertainment establishments

- Drive-thru restaurants/food establishments: unless permitted by the Town Council as an approved use in a Master Land Use Plan Special Exception. (**amnd 2/07**)
- Golf ranges, Par 3, or miniature courses
- Convenience stores/marts: unless permitted by the Town Council as an approved use in a Master Land Use Plan Special Exception. (**amnd 2/07**)
- Flea Markets
- Mobile Home sales
- Public Utility/Cellular towers
- Drive-in theaters
- Warehouses
- Farmers Markets
- Multi-Family Housing

Site standards

The standards of both the Special Highway Overlay District and the standards applicable to the proposed use which are established in the provisions for that uses zoning district shall apply (ex. A B-2 use approved within the SHOD shall meet the development provisions for such use required in the B-2 district standards of the Zoning Ordinance in addition to the specific SHOD regulations). Where the standards of the SHOD and the specific use differ, the more restrictive standard shall apply.

Development standards

(a) Bufferyard requirements

1) The width of the buffer shall be 100 feet from and parallel to the right-of-way boundary of the highway. No building or parking shall be allowed in the 100 foot buffer. The buffer may be reduced to 75 feet if additional landscaping requirements are provided. The town may further reduce the required width of the buffer strip as part of its approval of the site plan taking into consideration the topography of the area,

traffic volumes for the designated highway, surrounding land uses, existing land uses, actual location of the highway, the size of land parcels affected by the buffer, and whether the buffer requirement would render the entire property unusable. In reducing the width of the buffer strip, the Board of Adjustment shall ensure that the applicant will provide appropriate landscaping meeting the requirements of this Part. In no event, however, shall the Board of Adjustment reduce the required width of the buffer strip to less than 50 feet. No building or parking shall be allowed within any buffer. Any reduction below 75 feet requires approval from the Louisburg Board of Adjustment. Buildings and parking may be placed right up to the buffer. These setbacks shall take precedence over any other zoning ordinance setback for building and parking.

2) Within the required buffer strip, all existing vegetation shall be maintained in a natural, undisturbed state and, unless natural vegetation provides such a buffer, the applicant shall install and maintain buffer types meeting the requirements of this Part.

3) **Landscaping standards:**

The following standards shall apply to the buffer strip:

Buffer width	Canopy Trees		Understory Trees		Primary Evergreen Plants	
	Quantity	Size	Quantity	Size	Quantity	Size
50 Feet	4	3" caliper	7	2 1/2" cal.	4	5' Ht. min.
75 Feet	5	2 1/2" caliper	4	1 1/2" cal.	10	4' Ht. min.
100 feet	5	2" caliper	4	5' to 6'ht.min	-0-	

Plant quantities are per 100 linear feet of lot frontage along the highway or portion thereof. In no instance shall less than two large trees and 2 evergreen plants be installed. Plants may be clustered to allow view corridors. Canopy trees should not be planted closer together than twenty (20) feet. Locations for plant material shall follow DOT standards.

4) **Credit for existing vegetation**
 Credit is given for existing trees saved over 6 inches in diameter (18.75 inches in circumference) up to 15 inches in diameter 47.0 inches in circumference measured at a height of four and one-half (4.5) feet above the ground: 1 for 1. Credit for existing trees saved over 15 inches in diameter (47.0 inches

in circumference) measured at a height of four and one-half (4.5) feet above the ground: 2 for 1.

5) No development of buildings or vehicular surface area (parking lots) shall be allowed within the required buffer strip.

However, the town council may, in approving the site plan for the property permit the construction of streets or easements through the buffer strip upon finding that such construction is necessary for safe ingress and egress or utility service to the site and identification signage and architectural elements that meet required site distance/site triangle criteria. The nature and limits of such construction must be designated on the approved site plan. If a utility easement must be located in the buffer strip, it should be located in the portion of the buffer area the farthest away from the highway occupying a maximum of 10 feet of the buffer strip area.

6) All parking lots within the special highway overlay district shall be screened with a continuous planting of evergreen shrubs that will achieve a height of 3-1/2 feet-4-1/2 feet at maturity.

7) Maintenance responsibility and replacement of damaged vegetation:

The owners of the property and their agents, heirs, or assigns shall be responsible for the installation, preservation, and maintenance of all planting and physical features required under this Part. Any dead, unhealthy, or missing

vegetation, or vegetation disfigured by severe pruning, shall be replaced with locally-adapted vegetation which conforms to the standards of this Part and to the approved site plan.

In the event that any vegetation or physical element functioning to meet the standards of this Part is severely damaged due to an unusual weather occurrence or natural catastrophe, the owner shall have one growing season to replace or replant after reconstruction is complete. During development of the property, the owner shall be responsible for the erection of any and all barriers necessary to protect any existing or installed vegetation from damage both during and after construction. The construction of these barriers shall conform to the sketch shown below, and shall be indicated on the site plan approved by the town council. All required buffers, vehicular use areas, and other landscaped areas shall be free of refuse and debris in accordance with the site plan approved by town council, and shall be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks. The

disturbance of any landscaped area or vegetation required by this ordinance shall constitute a violation of the site plan. All disturbed landscaped areas and vegetation shall be replanted so as to meet the standards of this ordinance as well as the approved site plan. Revegetation should be located within the vicinity of the violation. If the area is too small for sufficient growth, a more suitable location on the site may be selected.

8-4.9 SUGGESTED PLANT MATERIALS LIST

The suggested plant materials list includes common trees and shrubs suitable for use in the Franklin County area. Due to individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project.

(A) Large Variety Trees (mature height: thirty-five (35) feet or greater):

Black Gum	<i>Nyssa sylvatica</i>
Chinese Elm	<i>Ulmus parviflora</i>
Japanese Scholartree	<i>Sophora japonica</i>
Japanese Zelkova	<i>Zelkova serrata</i>
London Plane-tree	<i>Platanus acerifolia</i>
Pin Oak	<i>Quercus palustris</i>
Red Maple	<i>Acer rubrum</i>
River Birch	<i>Betula nigra</i>
Scarlet Oak	<i>Quercus coccinea</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Sugar Maple	<i>Acer saccharum</i>
Tulip Poplar	<i>Lir. tulipifera</i>
White Oak	<i>Quercus alba</i>
Willow Oak	<i>Quercus phellos</i>
Yellowwood	<i>Cladrastis lutea</i>

(B) Understory Trees (mature height: fifteen (15) to thirty-five (35) feet):

American Holly	<i>Ilex opaca</i>
Chaste Tree	<i>Vitex agnus-castus</i>
Chinese Pistache	<i>Pistachia chinensis</i>
Crabapple (var.)	<i>Malus hybrida (var.)</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Eastern Redbud	<i>Cercis canadensis</i>

Flowering Dogwood	Cornus florida
Fringe Tree	Chionanthus virginicus
Golden-Rain-Tree	Koelreuteria paniculata
Ironwood	Carpinus caroliniana
Kousa Dogwood	Cornus kousa
Japanese Maple	Acer palmatum
Kwansan Cherry	Prunus serrulata 'Kwansan'
Mountain Ash	Sorbis americana
Mountain Silverbell	Halesia monticola
Saucer Magnolia	Magnolia soulangeana
Sourwood	Oxydendrum arboreum
Yoshino Cherry	Prunus yedoensis
Wax Myrtle	Myrica cerifera

(C) Streetyard and Interior Shrubs (mature height: approximately thirty-six (36) inches):

(1) Evergreen.

Azalea (var.)	Azalea sp.
Dwarf Burford Holly	Ilex cornuta 'Burfordii nana' Euonymous (var.)
Japanese Holly (var.)	Ilex crenata (var.)
Juniper (var.)	Juniperus sp.
Leatherleaf Viburnum	Viburnum rhytidophyllum
Warty Barberry	Berberis verruculosa

(2) Deciduous.

Butterfly Bush	Buddleia davidii
Dwarf Burning Bush	Euonymous alatus 'Compacta'
Forsythia	Forsythia sp.
Japanese Flowering Quince	Chaenomeles japonica
Oakleaf Hydrangea	Hydrangea quercifolia
Ornamental Grass Varieties	
Potentilla	Potentilla fruticosa
Thunberg Spirea	Spirea thunbergi
Viburnum (var.)	Viburnum sp.

(D) Outdoor Storage Area Screening Plants
(installation height: four 4) feet):

American Holly	Ilex opaca
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Anisetree	<i>Illicium anisatum</i>
Burford Holly	<i>Ilex cornuta</i> 'Burfordii'
Eastern Red Cedar	<i>Juniperus virginiana</i>
Hetz Juniper	<i>Juniperus hetzi</i>
Japanese Black Pine	<i>Pinus thumbergiana</i>
Nellie Stevens Holly	<i>Ilex cornuta</i> 'Nellie Stevens'
Osmanthus	<i>Osmanthus</i> sp.
Tall Glossy Privet	<i>Ligustrum lucidum</i>
Wax Myrtle	<i>Myrica cerifera</i>

(E) **Groundcovers** (planting areas, berms, wall planters):

Aaronsbeard	<i>Hypericum calycinum</i>
Creeping Lilyturf	<i>Liriope spicata</i>
English Ivy	<i>Hedera helix</i>
Hybrid Daylily	<i>Hemerocallis hybrida</i>
Japanese Spurge	<i>Pachysandra terminalis</i>
Juniper	<i>Juniperus</i> sp.
Lily-Turf	<i>Liriope muscarii</i>
Periwinkle	<i>Vinca minor</i>
Purpleleaf Wintercreeper	<i>Euonymus fortunei coloratus</i>
Rockspray Cotoneaster	<i>Cotoneaster horizontalis</i>

(b) Height requirements

In order to protect the natural scenic beauty along designated major highways within the Special Highway Overlay District, no building within 75 feet of the right-of-way shall be greater than thirty eight (38) feet in height. The town council may increase the maximum height limit as part of its approval of a site plan taking into consideration the topography of the area, traffic volumes for the designated thoroughfare, surrounding land uses, existing land uses, the actual location of the corridor, any existing or proposed buffers and historical architectural features of the building that may require a greater height to properly implement. In increasing the maximum allowed height. the town council shall ensure that the applicant meets the other requirements and the intent of this Part. In no event will the building height exceed fifty (50) feet. Building height only applies to the main/principal structure.

(c) Lot requirement

Minimum lot depth shall be 400 feet.

(d) Access standards

The following standards shall apply to access:

1) Full movement access points to the major highway within the Special Highway Overlay District shall be a minimum of 400 feet apart and shall be lined up across from one another across the highway. There may be shared right in/right out access points generally midway between the full movement intersections. Driveways along the road running perpendicular between US 401 and the parallel access road shall be a minimum of 100 feet back from the intersection with US 401. Adjustments to the spacing of full movement access points shall occur only with the written recommendation of the North Carolina District Highway Engineer.

2) Access to the highway shall be by a generally parallel access road that intersects the highway at points not less than 400 feet apart. The parallel access road must be public. The parallel access road design shall be 31.5 feet in width measured from back of curb to back of curb on a 45 foot right-of-way as illustrated on the cross-section herein. A five foot wide sidewalk is required on one side. Parking shall be prohibited on either the parallel access road or the private parallel accessway. There is a streetyard required adjacent to the parallel access road with an average width of 15 feet (minimum 10 feet). This requirement applies to both sides of the parallel access road. The streetyard shall be planted with one canopy tree every 40 linear feet. Parking lots abutting the streetyard shall be screened from the streets with a continuous planting of evergreen shrubs that will achieve a height of 3 1/2 feet - 4 1/2 feet at maturity. Street trees on the perpendicular road shall be planted with one canopy tree every 50 linear feet. Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the Town and the easement holder at the time of site plan approval. Any plantings installed within an easement may be damaged or destroyed during the course or servicing. The town is not liable for damage to plantings within an easement. The town will reseed as necessary any bare or disturbed soil for erosion control purposes. Small and medium shrubs, groundcovers, or

grasses may be planted within an easement. Understory trees (under 30 feet in height at maturity) may be planted a minimum of 10 feet from the centerline of the closest pipeline within the easement or 10 feet from the center of the easement, whichever is greater. Large variety trees shall not be placed within any town utility easement. Utility easements are typically located within the first five (5) feet back of curb. Temporary driveways will be allowed until the parallel access road connects to the highway. Once the parallel access road or private parallel accessway connects to the highway, all temporary driveways to the highway shall be severed. All development is responsible for installing its portion of the parallel road or providing for right-of-way and fee in lieu of construction.

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e) Signage

Sign height shall be proportionate to building placement.

Sign restrictions are as follows:

- 1) Ground signs for buildings over 100 feet from right-of-way shall be a maximum height of 12.0 feet.
- 2) Ground signs for buildings over 75 feet but less than 100 feet from the right-of-way shall be a maximum height of 8.5 feet.
- 3) Ground signs for buildings within 75 feet of the right-of-way shall be a maximum height of 3.5 feet.
- 4) There shall be one ground sign per parcel.
- 5) There shall be no signage of any type on canopies.
- 6) Free-standing signs may be no more than eighty square feet.
- 7) Attached/Wall signs shall be allowed up to a size equal to 1.25 sq. ft. per linear building frontage. Only one (1) wall sign shall be allowed beside of building.

(f) Commercial performance standards

There shall be no drive through windows facing the highway. Such windows shall be screened from view from the highway with evergreen plantings.

(g) Parking requirements

All new development shall have paved parking with curb and gutter. Curb and gutter shall be installed in accordance with the town's Standard Specifications and Details Manual.

(h) Sidewalk requirements

All new developments shall install a sidewalk along their street frontage or make a payment-in-lieu of construction if the required sidewalk is being placed on the opposite side of the roadway. Sidewalks shall be five (5) feet wide and meet the standards set forth in the town's Standard Specifications and Details Manual.

(i) Special yard and buffer requirements where nonresidential districts adjoin residential districts:

Where a lot in a nonresidential district shares a common boundary line with a lot in a residential district with no intervening street or highway, the lot in the nonresidential district shall have a required building setback along the shared boundary line of not less than fifty (50) feet and employ a thirty (30) foot wide opaque buffer. This buffer functions as an opaque screen from the ground to a height of at least six (6) feet.

Intermittent planting of deciduous and evergreen trees shall

obtain a height at maturity of no less than twenty (20) feet and have no unobstructed openings wider than ten (10) feet between tree canopies upon maturity. Composition of this buffer may include a wall, fence, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of these elements. This type excludes visual contact between uses and creates a strong impression of spatial separation. At least fifty (50) percent of the required trees and at least seventy-five (75) percent of the required shrubs shall be evergreen species locally adapted to the area.

(j) Underground electric Service - All new development shall be required to install underground power lines. If it is determined by the town that this is not feasible at the time of site development, a payment in lieu shall be made to the town of Louisburg.

(k) Structures adjacent to an historic structure:

No structure shall be allowed to develop within fifty (50) ft. of an historic structure

(l) Drainage

The size, design, and construction of drainage structures shall conform to the requirements set forth in the town's Standard Specifications and Details Manual. To prevent soil erosion and protect adjacent properties, storm drainage outlets shall employ energy dissipaters.

(m) Utility connections

1) All new development within 500 feet of public water and/or sewer shall connect to said public water and/or sewer. All water and sewer extensions to property shall be made at the sole expense of the owner, unless water and sewer extensions are made by the town under its assessment policies. Upon connection to town utilities, all applicable fees are due. If public water and/or public sewer is not available within 500 feet, then the developer shall indicate the private water and/or sewer systems used. At time of replacement of a private system, the owner must connect to public water and/or sewer if public water and/or sewer is within the required distance. No water or sewer service shall be provided to any property outside of the municipal limits of the town except upon compliance with one of the following annexation requirements:

(i) If the property is contiguous to the municipal limits of the town, the property owners shall immediately petition for and obtain annexation of such property into the municipal limits of the town; or

(ii) If the property is not contiguous to the municipal limits of the town, the property owners shall immediately petition for and obtain annexation of such property into the municipal limits of the town, provided that the town

council determines that it is in the best interest of the town and that the town can provide all municipal services; or

(iii) If the town council decides not to immediately annex the property, the property owners shall enter into a written agreement with the town for annexation at such future date as the town council determines that it is in the best interest of the town and that the town can provide municipal services to the property. The agreement shall include provision for the town to terminate water and/or sewer service if the property owner fails to fulfill all requirements to annex.

2) Improving property.

(i) Every person improving property located within the corporate limits of the town which one (1) abuts or adjoins a street or alley along which is located a water line, or two (2) is located within 500 feet of a town water line shall make an approved water connection to the house, building or other place of human habitation or occupancy provided that no person shall be required to cross the private property of another to make such a connection. Upon connection, all applicable fees are due.

(ii) Every person improving property located within the corporate limits of the town which one (1) abuts or adjoins a street or alley along which is located a sewer line, or two (2) is located within 500 feet of a town sanitary line shall make an

approved connection with the town's sanitary sewer system for all water closets, bathtubs, showers, lavatories, toilets,

sinks and sanitary sewer drains located or to be located on the property provided that no person shall be required to cross the private property of another to make such a connection. Upon connection, all applicable fees are due.

(n) Payment in lieu

Any owner or developer required to install or construct improvements (roads, sidewalks, underground power lines) may, with the approval of town council and upon a determination by the town council that such improvements are not necessary or desirable at the time but will be needed in the future, make a payment in lieu of such improvements or part thereof. The amount of any such payment shall be one and one half (1 1/2) times the actual and total estimated installation and construction cost of such improvements as determined by the town. The owner must file a surety bond, cash in escrow, or an irrevocable letter of credit with the town in this amount. This must be executed by the owner or developer prior to issuance of any building or other permit pursuant to an approved site plan, and full payment shall be made before any certificate of occupancy is issued for any use shown on the site plan.

(o) Non-conformities

1) Uses

Non-conforming uses or structures resulting from the application of the highway overlay district shall be treated in the same manner as non-conforming uses or structures in the underlying district.

2) Signage

Non-conforming signs - properties possessing non-conforming signs shall have five (5) years from the effective date of the highway overlay district to bring themselves into compliance. Properties failing to comply by the end of the five (5) year amortization period shall be subject to a daily civil penalty for each non-conforming sign on the premises.

On an annual first-come first-served basis, subject to annual budgetary constraints, property owners with non-conforming ground signs (not applicable to roof signs or off-premise signs) may petition the Louisburg town council for the town to remove the non-conforming sign(s) from his or her property. The cost for said removal(s) shall be reimbursed to the town by the property owner at his or her option through either a lump sum payment within six-months of the date of removal or pro-rated in equal annual installments over the remainder of the five (5) year amortization period at no interest. The prorated payment plan shall be calculated based upon the remaining portion of the amortization period including the current year.

The removal option by the town with reimbursement by lump sum or annual installment shall be available for the time period between the effective date of the ordinance and the fourth anniversary of the effective date of the ordinance.

Each non-conforming sign remaining beyond the limits of the five (5) year amortization period shall be subject to a daily civil penalty and removal by the town according to a systematic schedule approved by the town council with the costs for said removal and accumulated penalties to become a lien against the property.

3) Landscaping

Developed properties not possessing the minimum area and landscaping for the streetyard along the major access corridor shall have three (3) years from the effective date of the ordinance to: a) install said minimum retrofit landscaping and streetyard area as set forth herein; b) demonstrate that the one hundred (100) foot buffer width is met; or c) receive council approval for an alternate means of compliance for the following required landscaping and streetyard area.

Retrofit landscape and buffer requirements for existing developed properties fronting on the major highway:

Twenty-five (25) foot wide buffer adjacent to the right-of-way that is void of buildings or parking;

Two (2) canopy trees per one hundred (100) linear feet of frontage or portion thereof;

Two (2) understory trees per one hundred (100) linear feet of frontage or portion thereof;

Ten (10) shrubs per one hundred (100) linear feet of frontage or portion thereof;

Credit will be given for parking spaces that may be removed to accommodate plantings so that the existing use will not become non-conforming due to insufficient off-street parking.

Variances

The Louisburg Board of Adjustment shall issue all variances to this Ordinance.

Exceptions

(a) Site plans.

All site plans which are approved or submitted to the town prior to the effective date of this ordinance, may be constructed in accordance with the official, approved plans.

(b) Zoning board of adjustment variances and special uses.

All variances and special uses approved by the zoning board of adjustment prior to the effective date of this ordinance may be included in the future site plans.

(c) Application of Special Highway Overlay District.

All structures built pursuant to subsections (a) and (b) above, shall be subject to all of the provisions listed in this section.

If, however, the approval allows construction within the Special Highway Overlay District, the completed structure shall be deemed to be conforming. Any additions or revisions to an approved plan shall be subject to the provisions of the Special Highway Overlay District.

Section 21. SPECIAL EXCEPTIONS. The Louisburg Town Council shall have authority to grant permission for the establishment of the following uses, subject to any specific conditions, either set forth below, or which said Town Council may deem necessary to satisfy the conditions stated above. The Town Council's decision shall be based upon a recommendation from the planning board.

Special Exception Permits shall be valid for a period of twelve (12) months, except a Special Exception Permit for a Master Land Use Plan shall be valid for a period of not less than two (2) years and not more than five (5) years.(amnd 2/07)

PERMIT VALIDITY

1) Revocation - A special exception permit may be revoked by the Town council, upon giving written notice of a hearing, certified mail to the holder of the permit, at which hearing findings are made of the existence of any one of the following conditions:

- a) That the physical construction of the activity authorized is not commenced within one (1) year of permit issuance;
- b) That the activity authorized ceases for a period of one (1) year;
- c) That the governmental licenses or permits required for the activity authorized are not obtained OR are subsequently terminated, and,
- d) That any of the applicable requirements of the ordinance or conditions attached to the permit are violated. Under this provision, prior to revocation, the holder of the permit shall be permitted a reasonable time to correct any deficiencies under the terms of the original permit, a reasonable time to be determined on a case by case basis consistent with the corrections to be made.
- e) *Notwithstanding items a), b) and c) above, a Special Exception Permit for a Master Land Use Plan shall be valid for a period of not less than two (2) years and not more than five (5) years and shall terminate at the end of the validity of a Special Exception Permit for a Master Land Use Plan with respect to buildings and uses for which no valid building permit applications have been filed.* **(amnd 2/07)**

2) Extension - On a request by the holder of a special exception permit, the Town Council may, for good cause shown, extend the time limits for commencement of construction or activity by up to twelve (12) months.

The Town Council may reinstate a revoked permit provided: a) a petition for reinstatement is submitted to the Planning Board within ninety (90) days of revocation, b) the conditions causing the revocation have been eliminated, and c) the development is in complete compliance with all applicable requirements of the ordinance at that time. **(Oct. 11, 1993)**

- A. Site Plan. A site plan for all special exceptions shall be filed by an owner or developer of property and must be approved by the planning board and the town council.

A site plan may not be required for special exceptions on lots of one acre or less except for multi-family

housing, in which case a site plan must be provided as required by this ordinance. (3/12/91)

1. Procedure - The owner or developer shall submit to the planning board a site plan prepared and certified by a registered engineer or land surveyor, as defined in this ordinance. Five (5) prints of the site plan at a scale of not less than one (1) inch equals one hundred (100) feet, together with all information required by this ordinance shall be submitted. All plans shall be on either 24" x 36" material or suitable for folding to that size. The site plan shall be submitted to the planning board chairman, town administrator, or ordinance administrator at least seven (7) days prior to the regular planning board meeting.

2. Information Required
 - a. Plot and location plan with:
 - 1) Location and dimensions of building(s) on site showing distance to side lot lines and center lines of adjacent streets.
 - 2) Location and dimensions of proposed and existing driveways and curb cuts on site and adjacent properties.
 - 3) Location and general design of proposed and existing sidewalks and open space with existing plant material and proposed landscaping.
 - 4) Location and dimensions of proposed and existing surface parking and loading areas.

Existing widths of any streets and sidewalks adjoining the tract giving right-of-way and pavement widths.
 - 6) Front, side and rear yard setbacks.
 - 7) Proposed elevations at control points such as driveways, ramps, etc.

- 8) Zoning of the tract.
 - 9) Owner
 - 10) Vicinity map showing location of tract to scale.
 - 11) Certified topographic map of parcel at minimum two (2) foot contour interval, showing existing and proposed contours may be required by the town administrator.
 - 12) Provisions for the adequate disposition of natural and storm water in accordance with the adopted design criteria and standards of the town indicating location, sizes, types and grades of ditches, catch basins and pipes, connections to existing drainage.
 - 13) USC and GS datum used for all elevations shown and showing location and elevation of benchmark used.
- b. Utility plan with:
- 1) Location of all existing and proposed underground utilities such as water, sewer and storm drainage, etc. both within the property and ia adjacent streets.
 - 2) Location of all surface facilities such as sidewalks, curb, gutter, etc.
 - 3) Fencing, walls, and screening to be preserved erected, or planted; type, height and location.
3. Review of Site Plan - The planning board shall review all site plans which are submitted to it. The board may consult with the town administrator, consulting engineer, North Carolina Department of Transportation, Division of Highway Safety, and may consult with the other town employees. The planning board shall review all site plans within forty-five (45) days.
 4. After the planning board has completed its review it will submit its recommendations to the town council. The town council shall hold a public hearing and based on a planning

board recommendation, input from the public hearing and the town council's review shall decide whether to grant a special exception permit. The town council shall have a final decision to the developer within forty-five (45) days of receipt of the planning board recommendation.

5. Improvements - Prior to approval of any site plan, the owner or developer shall submit cost estimate and a time schedule of installation of each phase of the required site improvements. The site improvements shall: 1) be installed; or 2) be guaranteed by a performance or surety bond in the amount of the required site improvements, a certified check or cash, or a letter of credit from a local bank for the amount of the improvements to be installed. As each phase of the improvements is installed and is inspected and approved by the ordinance administrator, the bond, cash or certified check will be reduced by the cost of the installed improvement.

Upon completion of the required improvements, the owner or developer may apply to the ordinance administrator for a Certificate of Compliance of the site bond obligation. If the work is found by the ordinance administrator to conform to the approved site plan, applicable regulations, and town ordinances, he shall issue the certificate.

In the event the owner or developer wishes to occupy any building or any portion of any building prior to completion of the required site improvements and issuance of a Certificate of Compliance, he shall submit to the town a bond or cash equal to one and one half (1 1/2) of the estimated cost of the improvements not yet installed. The bond or cash shall be placed in escrow by the town until the improvements are completed, accepted, and a Certificate of Compliance is issued.

6. Inspection and Supervision During Installation - Unless otherwise provided in this ordinance, the construction standards for all off-site improvements required by this article shall conform to the Town of Louisburg plumbing, building, electrical, fire and health codes, and other applicable laws, ordinances, and regulations.
7. Filing Fees - Site Plan - Ten dollars (\$10.00) plus the following where applicable:

- a. Twenty-five cents (\$0.25) per dwelling unit.
 - b. One dollar (\$1.00) per one thousand (1,000) square feet of gross floor area of all commercial structures.
8. Time of Validity of Approved Site Plans - *Except in the case of a Special Exception Permit for a Master Land Use Plan (amnd 2/07)*, an approved site plan shall become null and void if no significant work is done or development is made on the site within twelve (12) months after approval. The planning board may grant a single one (1) year extension upon written request of the applicant made at least thirty (30) days before the expiration of the approved site plan.

Special Exception Provisions. The Louisburg Town Council shall have authority to grant permission for the establishment of the following uses, subject to any specific conditions either set forth below, or which the town council may deem necessary to satisfy the conditions stated above. The town council's decision shall be based on a recommendation from the planning board.

1. Mobile Home Parks

- a. Site requirements
 - 1) Every mobile home park shall be located on a tract of land no less than two (2) acres in size. Every park shall contain at least ten (10) mobile home spaces as defined in this ordinance.
 - 2) Each mobile home space shall be clearly established on the ground by permanent markers or monuments.
- b. Stand requirements
 - 1) No more than one (1) mobile home may be parked on any mobile home space. No living compartment or structure other than a "Florida Room" or other prefabricated structure specifically designed for mobile home use or extension shall be added to any mobile home parked within the Jurisdiction of the ordinance.

- 2) The supports of all mobile homes parked within an authorized park shall rest upon an adequate footing.
- 3) No mobile home stand shall be located closer than (1) thirty (30) feet from a public street right-of-way; (2) twelve (12) feet from the exterior boundary of the mobile home park; (3) twenty-five (25) feet from another mobile home stand, a mobile home addition, or other structure; or (4) ten (10) feet from the edge of any driveway.
- 4) All mobile home spaces shall abut a street.
- 5) A driveway and parking space sufficient to accommodate at least two (2) automobiles shall be constructed per each mobile home space, and they shall be paved or covered with crushed stone or other suitable material.
- 6) The mobile home stand and the mobile home space shall be graded to provide adequate storm drainage away from the mobile home and such that there will exist no more than two (2) feet difference between the chassis of the mobile home and the finished grade of the mobile home stand.
- 7) The mobile home stand shall be located on ground so as not to be susceptible to flooding and graded so as to prevent any water from ponding or accumulating on the premises.
- 8) No mobile home space shall have direct vehicular access to a public street.
- 9) Each mobile home stand shall have adequate access, for both the mobile home and autos, with a minimum width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.

c. Utilities required

- 1) It is mandatory that all utilities be installed according to the Town of Louisburg ordinances governing utilities.

- 2) Mobile Home Stand Utilities. Each mobile home stand shall be equipped with plumbing and electrical connections.
- 3) Mobile Home Equipment. Each mobile home shall have a flush toilet, lavatory, bathtub or shower, adequate hot water facilities, cooking facilities, and electricity wiring, and shall be required to connect with the utilities provided at each mobile home space.
- 4) Sewage and refuse disposal
 - a) Each mobile home park shall be connected to a public sewer system if available or to a system constructed in compliance with the regulations of the Franklin County Health Department or the Division of Environmental Management, N. C. Department of Natural and Economic Resources if a public municipal sewer system is unavailable. All sewage wastes from each mobile park, including waste basins, refrigerator drains, sinks, faucets, and water using appliances not herein mentioned shall be piped into the mobile home park sewage disposal system.
 - b) Each mobile home space shall be provided with at least a three (3) inch diameter sewer riser pipe where collection systems are provided. The sewer riser pipe shall be so located on each space that the sewer connection to the mobile home drain outlet will approximate a vertical position.
 - c) A 2' x 2' x 3" concrete apron shall be installed around all septic tank connection riser pipes for support and protection. The septic tank connection shall be located a distance of at least one hundred (100) feet from the well supply.
 - d) The sewer connection shall have a nominal inside diameter of at least three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. The sewer connection shall consist of one (1)

pipe line only without any branch fittings. All joints shall be water tight including connection from trailer to sewer riser pipe.

- e) All materials used for sewer connections shall be semi-rigid, corrosion resistant, nonabsorbent, and durable. The inner surface shall be smooth.
- f) Provision shall be made for plugging the sewer pipe when a mobile home does not occupy a space. Surface drainage shall be diverted away from the rise. The rim of the riser pipe shall extend at least four (4) inches above ground elevation.

5) Water Supply

Each mobile home park shall obtain water from a public water supply when available, or from a source approved by the Franklin County Health Department, or the Division of Health Services, N. C. Department of Human Resources. The water supply and pressure shall be adequate for the park requirements. Water for drinking, cooking, laundry, and general sanitary uses for each individual mobile home shall be obtained only from faucets or other plumbing connections located within each mobile home.

6) Solid Waste Disposal

- a) The storage, collection and disposal of solid waste in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or pollution.
- b) All solid waste containing garbage shall be stored in standard flytight, watertight, rodent-proof containers, with a capacity not more than thirty-two (32) gallons which shall be located not more than one hundred fifty (150) feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The mobile home park management shall be responsible for

the proper storage, collection and disposal of solid waste.

- c) Stands shall be provided for all containers. Such containers stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
 - d) All solid waste containing garbage shall be collected at least once weekly except for the months of May, June, July, August, and September when it shall be collected twice weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.
 - e) Where municipal or private disposal service is not available the mobile home park operator shall dispose of the solid waste by transporting to a disposal site approved by the health director.
- 7) Fire Protection - Where public water supply is available, fire hydrants shall be installed as to provide unobstructed access within a distance of five hundred (500) feet from any mobile home space.
 - 8) Street Lights - All streets in the mobile home park shall be adequately illuminated from sunset until sunrise. the minimum size street light shall be a one hundred seventy-five (175) watt mercury-vapor (approximately seven thousand (7,000) lumen class), or its equivalent, spaced at intervals of not more than three hundred (300) feet.

d. Street and Driveways

- 1) Access to the park shall be directly from a publicly maintained road. two-way access streets within the park shall be paved thirty (30) feet wide with crushed stone or other material. One-way streets shall be paved eighteen (18) feet wide. The figures for these street widths are without parking allowances.

- 2) Closed ends of dead-end streets shall be provided with vehicular turning circle at least eighty (80) feet in diameter, measured on the center line of the street. Closed ends of dead-end drives or roads shall not exceed four hundred (400) feet in length.
 - 3) Each mobile home stand shall have adequate access, for both the mobile home and autos, with a minimum width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.
- e. External Yards and Buffering - The mobile home park shall have a planting strip five (5) feet wide (minimum) adjacent to the park boundary extending along the entire perimeter of the mobile home park. It shall be planted with evergreen shrubbery and adequately landscaped with grass in such a manner as to be harmonious with the landscaping of the adjacent properties and in keeping with the general character of the surrounding neighborhood.
- f. Signs for Identification of Mobile Home Parks - Not more than two (2) signs with a total area of not more than one-half (1/2) square foot for each mobile home space and in no case larger than fifty (50) square feet, located on private property, but no closer than five (5) feet to any property line. Only indirect non-flashing lighting may be used for illumination, and the sign must be constructed in such runner as to prevent a direct view of the light source from any public right-of-way.
- g. Recreation areas
- 1) Adequate and suitable recreation areas to serve the needs of the anticipated population shall be provided. Not less than eight (8) percent of the gross site area shall be devoted to recreation area. The area shall consist of at least the following:
 - 2) One (1) or more playgrounds for children containing a minimum of twenty (20) percent of total areas in mobile home parks.
 - 3) No single playground shall contain less than five thousand (5,000) square feet.

h. The town council may permit non-residential uses subject to the following conditions:

- 1) It shall be unlawful to sell on a commercial basis mobile homes or trailers within a mobile home park, except that an individual mobile home owner shall be exempt from this section in that he be allowed to sell the mobile home in which he maintains occupancy.
- 2) One (1) mobile home may be used as an administrative office within the mobile home park.
- 3) Convenience establishments of a commercial nature shall be limited to food stores, coin operated laundries and beauty parlors and barber shops. These may be permitted in mobile home parks subject to the following restrictions.

Such establishments shall be subordinate to the residential use and character of the park;

Such establishments shall present no visible evidence of their commercial character from any portion of any residential district outside the park; and

Such establishments shall be designed to serve the trade and service needs of the park residents only.

i. Registration - It shall be the duty of the operator of the mobile home park to keep an accurate register containing a record of all mobile home owners, mobile homes, and occupants of the mobile home park. The register shall contain the following:

- 1) Name and address of owner and occupant.
- 2) The mobile home space in which the mobile home is parked.
- 3) Date of entering the park.
- 4) Date of leaving the park.

The operator shall keep the register available at all times for inspection by law enforcement officials, public health officials, and other officials whose duties necessitate acquisition of the information contained in the register.

2. Planned Unit Development

a. Minimum Area Requirements

- 1) Planned Unit Developments containing twenty (20) acres or less shall be composed of residential uses only.
- 2) Planned Unit Developments larger than twenty (20) acres may contain all uses permitted by subsection 2b of this section.

b. Regulation of Uses

- 1) Permitted Uses (subject to subsection I of this section).
 - All those uses permitted in the R-2 Residential District.
 - All those uses permitted in the Office and Institutional District.
 - All those uses permitted in the Downtown Business District.
- 2) Conditional Uses (subject to subsection 1 of this section).
 - Conditional uses permitted in the R-2 Residential District, subject to review by the board of adjustment
 - Conditional uses permitted in the Office and Institutional District, subject to review by the board of adjustment.
 - Conditional uses permitted in the Downtown Business District, subject to review by the board of adjustment.
- 3) Special exceptions (subject to subsection 1 of this section).

- Special exceptions permitted in the R-2 residential district with the same conditions.
- All those special exceptions permitted in the Office and Institutional District, with the same conditions.
- All those special exceptions permitted in the Downtown Business District, with the same conditions.

c. Design Criteria

- 1) Density - The maximum residential density shall be four (4) units per gross residential acre.
- 2) Building Separation - Within the planned unit development, the required separation between buildings shall be determined by building height.

The minimum horizontal distance between the vertical projections of any points on two (2) adjacent buildings shall be determined according to the following table. The vertical projections for each building shall be drawn from that point on each building which is horizontally closest to the other building.

Height of Taller Building Minimum Horizontal Distance Between

Vertical Projections

20 feet or less	16 feet
between 20.1 and 25.0 feet	25 feet
between 25.1 and 30.0 feet	30 feet
between 30.1 and 35.0 feet	40 feet

3) Project Exterior Yard Requirements

No building shall be erected, reconstructed, altered or moved nearer the exterior project property lines more than twenty-five (25) feet. In no case shall a building encroach upon a proposed thoroughfare or a private vehicular or pedestrian way owned in common ownership.

4) Open Space - In planned unit development projects, twenty-five (25) percent or more of the gross acreage shall be reserved as open space.

- 5) A minimum of twenty-five (25) percent of required reserved open space requirements in a PUD shall be developed for active recreational purposes.

Provisions for continuous maintenance of open space set aside in accordance with the above regulations shall be made by the developer either through proposed dedication to the Town of Louisburg, if acceptable to the town, or through the establishment of a private homeowner's association as approved by the town attorney.

- 6) Transitional Use Areas - In a PUD project, a residential use area shall be established along the boundaries of each PUD tract for a distance of not less than fifty (50) feet extending inward from the tract boundary. An open space buffer area shall be permitted. Where a PUD adjoins a commercial district, the only permitted transitional use shall be a open space buffer.
- 7) Utility Requirements - PUD's shall be located where public or community water, sanitary sewers, and storm drainage utilities are available.
- 8) Subdivision Review - It is the intent of this section that subdivision review under the Louisburg Subdivision Regulations be carried out as an integral part of the review of a planned unit development. The plans required by this ordinance shall be submitted in a form which substantially will satisfy requirements of the Subdivision Regulations for Louisburg for preliminary and final plat approval. If any provisions of this PUD subsection and the subdivision regulations are in conflict, the more restrictive or detailed requirements shall apply, unless specifically waived or altered by the planning board.

3. Multi-family developments

a. Open space and Recreation Facilities

- 1) Open space - a minimum of fifteen (15) percent of the gross acreage shall be reserved as open space.
- 2) Recreation space - a minimum of fifty (50) percent of the open space shall be developed for active recreational purposes.

- 3) In addition to the above open space and recreation requirements, family oriented projects shall have:
 - a) One (1) tot lot consisting of a minimum of 50'x 50' defined area containing pre-school child oriented play items for each fifty (50) units or less;
 - b) One (1) activity area with a minimum of 50' x 90' paved surface with basketball goals for each twenty-five (25) or more units.
 - c) One (1) open, 100' x 200' play area for each two hundred (200) units or less.
- 4) In addition to the above open space and recreation requirements, non-family projects shall have:
 - a) One (1) activity area as described above for each one hundred fifty (150) units or less;
 - b) One (1) open 100' x 200' play area for each two hundred (200) units or less.
- b. Parking - Automobile parking spaces and drives shall not be located closer than twenty (20) feet to the front or ten (10) feet to the side or rear of any building.
- c. Dwelling to Dwelling Relationship
 - 1) Building walls having both window ad door openings shall be located no closer than fifty (50) feet to another building.
 - 2) Building walls having only window openings or only door openings shall be located no closer than twenty-five (25) feet to another building.
- d. Courtyard - Any group of buildings forming a courtyard shall have at least twenty-five (25) percent of the perimeter of such courtyard open for access by emergency vehicles.
- e. Landscaping and Project Perimeter Requirements - Landscaping shall be included to buffer the development from its surrounding neighbors. No building shall be erected, reconstructed, altered or moved nearer the exterior project property lines than twenty-five (25) feet or the applicable

district yard requirements, whichever is greater. Yard spaces for one (1) building shall not overlap yard space for another building.

f. Solid Waste Disposal

- 1) The storage, collection and disposal of solid waste shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or pollution.
- 2) All solid waste containing garbage shall be stored in standard flytight, watertight, rodent-proof containers, with a capacity not more than thirty-two (32) gallons. Containers shall be provided in sufficient number and capacity to properly store all solid waste containing garbage. The management of the complex shall be responsible for proper storage and collection of solid waste.
- 3) Stands shall be provided for all containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
- 4) Dumpsters shall be screened by an evergreen wail or solid fence at least six (6) feet tall.
- 5) All solid waste containing garbage shall be collected at least once weekly except for the months of May, June, July, August, and September when it shall be collected twice weekly. Where suitable collection service is not available, the management shall provide this service. All solid waste containing garbage shall be collected and transported in covered vehicles or covered containers.
- 6) These solid waste disposal regulations shall be subject to any additional requirements imposed by the town administrator and/or the public works director.

G. Utilities - Multi-family complexes shall be located where public or community water, sanitary sewers, and storm drainage utilities are available.

4. Shopping Centers

- a. Site Area - No shopping center district site shall contain less than two (2) acres.
- b. Required Perimeter Yards - No building shall be less than fifty (50) feet from any street line or twenty--five (25) feet from any side or rear lot lines.
- c. Landscaping on Project Perimeters Required - Evergreen landscaping shall be included to buffer the shopping center project perimeters.
- d. Solid Waste Disposal - A plan for solid waste storage, collection and disposal shall be submitted to the town administrator and approved prior to issuance of a special use permit.
- e. Utilities - Shopping center developments shall be located where public water, sanitary sewer, and storm drainage utilities are available.
- f. Maximum Permissible Lot Coverage - The total ground area covered by the principal buildings and all accessory buildings including any roofed area shall not exceed thirty (30) percent of the total site area.

5. Communication Towers (amended 6/21/99)

Communication Towers shall be allowed upon and after obtaining a special exception permit to be issued by the City Council upon recommendation of the Planning Board after public hearings as by the Zoning Ordinance. Such special exception permits shall be issued only after a finding is made that such use shall fit in with the character of the area in which such use is to be located and that such use is not detrimental to the surrounding neighborhood, including, but not limited to, items (a) through (x) below. All applications for a special exception permit shall be accompanied by an appropriate plot plan detailing such pertinent data as may be required by the Planning staff and this Code of Ordinances. The Louisburg Planning Board shall review the plan prior to submitting the plan for City Council review. The plot plan and application shall indicate that the following minimum conditions can be met:

(a) **Setbacks:**

(1) Residential zoned area: When a tower is constructed within a residential zone it shall be set back a distance equal to its height from all property, lease, and /or right of way lines.

(2) Commercial/industrial zoned area: All towers shall be set back from property, lease, and/or right of way lines a minimum of fifty (50) ft. or one (1) ft. of setback for each two (2) feet of tower height, whichever is greater.

(b) **Fencing:** That the tower base be enclosed in a chain link fence with a minimum height of ten (10) feet and such fence to be a minimum of ten (10) feet from the base of the tower.

(c) **Buffer Area:** That a buffer area twenty-five (25) feet wide be provided around the perimeter of the tower compound to shield all structures, including guide wires or anchors. Such buffer area shall be planted with evergreen trees that will attain a minimum height of twenty-five (25) feet. Such trees to be on a maximum twenty (20) foot spacing. The inner fringe of such buffer area shall have a initial height of at least three (3) feet and be planted with an evergreen hedge that will attain a minimum height of six (6) feet. Such hedge shall be opaque in effect and completely shield any object behind it from view.

(d) **Certification:** Certification by applicant that the proposed tower will be constructed and operated in accordance with all applicable local, state, and federal laws and ordinances, including, but not limited to, all FCC and FAA rules and guidelines.

(e) **Engineers Certification:** Prior to obtaining a building permit, applicant must submit engineering drawings for the tower, sealed by a licensed engineer, which state that the tower will meet all applicable local, state, and federal building codes and structural standards.

(f) **TV Disturbance:** Radio or television or similar reception for adjoining residentially zoned properties will not be disturbed or diminished.

(g) **Tower Height:** The height of a tower shall not exceed four hundred fifty (450) feet. Where towers are located on buildings/structures, the height of the tower and

building/structure combined shall not exceed four hundred fifty (450) feet.

(h) **Aesthetics:** The exterior appearance of all building structures located in a residential zoning district look like a residential dwelling including, without limitation, pitched roof(s) and frame or brick veneer construction.

(I) **Use Restriction:** Associated building structures located in residential zoning districts may not be used as an employment center for any worker. This provision does not prohibit periodic maintenance, inspection, and periodic monitoring of equipment and instruments or renovation of the facility.

(j) **Property Values:** The use will not be detrimental to the surrounding neighborhood. This may be achieved by submitting a statement by a licensed appraiser or real estate broker which expresses an opinion that the use will not be detrimental or injurious to the property values of the surrounding neighborhood.

(k) **Tower Separation:** That no tower may be constructed closer than one thousand five hundred (1,500) feet to any other tower. Concealed towers are exempt from separation requirements.

(L) **Electromagnetic Interference:** In order to protect the public from unnecessary exposure to electromagnetic radiation, the tower owner shall provide documentation indicating the power density levels do not exceed federally approved levels or American National Standards Institute [ANSI] standards, whichever provides the stricter requirements.

(m) **Lighting:** Lighting shall meet or exceed the Federal Aviation Administration [FAA] standards if lighting is required by the FAA. To the extent allowed by the FAA, strobes shall not be used for night time lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

(n) **Financial Responsibility; Obsolescence:** That towers which are not used for period of six (6) months or more shall be removed by the owner within ninety (90) days of notification to the owner from the Planning Department. To assure the removal of towers which do not meet requirements for use or maintenance, a

statement of financial responsibility to the Louisburg Planning Department, shall be submitted for each tower over seventy-five (75) feet. Removal costs shall be charged to the tower owner.

(o) **Post-Approval Certification:** The entity/owner seeking approval of the special exception permit shall submit every two (2) years a statement signed and sealed by the applicant's engineer and from an outside independent registered and licensed engineer on the sixth year as to the structural soundness of the tower. If a tower is determined not to be structurally sound, the entity receiving approval shall have the burden of any repairs and said repairs must be complete within sixty (60) days.

(p) **Camouflage:** That the applicant show willingness to camouflage the tower with the surrounding area, i.e., paint, incorporation into architectural design/structure, or other means. Communication towers and associated equipment which are totally concealed within a building or structure so that they are architecturally indiscernible shall not be considered towers.

(q) **Outside Storage:** That no outside storage be allowed on site.

(r) **Attached Limitations:** That in the B-1 and B-2 districts, towers are only allowed on buildings/structures.

(s) **Site Plan Required:** In addition to the foregoing, a site plan must be submitted with the application for towers seventy-five (75) feet in height or more and meet the following requirements:

(1) Identification of the intended user(s) of the tower.

(2) Co-location on existing towers is required where available, before additional ground build towers can be constructed. The applicant shall provide documentation that no suitable existing structures or facilities within the coverage area are available for co-location. Documentation may include maps, letters from nearby tower owners, or calculations. Facilities include other towers, or other buildings or structures.

(3) All the requirements of the Zoning and Subdivision Ordinance must be met.

(t) Photo imagery to superimpose the facility onto the existing site of the proposed tower site shall be submitted with

application and/or site plan.

(u) All towers shall be monopole in construction except TV, radio, or those so designated by Town Council. Documentation shall be provided by a registered engineer that the tower has sufficient structural integrity to accommodate three (3) times the capacity (carriers) of intended use in order that secondary users could lease the balance of the tower capacity. Applicants cannot be denied space on a tower unless mechanical, structural or regulatory factors prevent sharing, or the applicant refuses to pay a fair market rental as determined by the industry as of the date of the application. In determining the fair market rental, the owner of the tower proposed for co-location shall not be required to take into consideration rent being paid by a current co-locator under a swapping arrangement. The tower shall be galvanized or painted.

(v) Towers shall be allowed in utility substations with only site plan approval required as outlined in this section. Landscaping requirements as required for substations shall apply to towers within substations. Replacement of nonconforming towers regardless of location shall require the issuance of a Special Exception Permit by City Council.

(w) To reduce the need for additional towers, existing towers may be replaced with a tower that increases its present number of co-locators, but shall not exceed one hundred ninety-nine (199) feet or one hundred fifteen (115) percent of the height of the old tower, whichever is less, with site plan approval. Replacement of nonconforming towers regardless of location shall require the issuance of a special exception permit by the Town Council .

6. Master Land Use Plan (Amnd 2/07)

A. Elements and Approval of a Master Land Use Plan

1. Area: There are no minimum area requirements for a Master Land Use Plan.

2. Application: Each application for a Special Exception as a Master Land Use Plan shall contain a site plan which shall address all of the items identified in Section 21.A.2 of the Louisburg Zoning Ordinance and shall be known as the Master Land Use Plan.

3. General Layout, Design and Streets: The general layout, design and streets, both public and private, shall be shown on the Master Land Use Plan and approved by the Town Council.

4. Buildings and Structures: All principal buildings, along with their locations, dimensions and height, shall be shown or noted on the Master Land Use Plan and approved by the Town Council.

5. Perimeter Yards, Buffers, Buffer Strips, Setbacks: All perimeter yards, buffers, buffer strips and setbacks of any type shall be shown on the Master Land Use Plan and approved by the Town Council.

6. Signage: All signage shall be shown in detail (dimensions, locations, sizes, materials and colors) as part of the Master Land Use Plan, and shall be approved by the Town Council.

7. Lots: All lots within the Master Land Use Plan shall be shown, and the location, size and dimensions of each lot within a Master Land Use Plan shall be approved by the Town Council.

8. Parking: The location, size, dimensions and number of parking spaces shall be shown on the Master Land Use Plan and approved by the Town Council.

9. Landscaping: Each Master Land Use Plan shall contain a landscaping plan showing the number, types and general location of all plantings and other landscaping, and the landscaping plan shall be approved by the Town Council.

10. Architectural Treatments/Building Facades: Every application for a Special Exception as a Master Land Use Plan shall contain renderings showing the architectural treatments and building facades facing or otherwise visible from Highway 401, and these architectural treatments and building facades shall be approved by the Town Council.

11. Solid Waste Disposal Plan: A plan for solid waste storage, collection and disposal shall be submitted as part of the Master Land Use Plan , and the Solid Waste Disposal Plan shall be approved by the Town Council.

12. Utilities: All development in a Master Land Use Plan shall be serviced by public water and sewer, and the Master Land Use Plan shall show how the development in the Master Land Use Plan will be served.

13. Lot Coverage, Open Space, Impervious Surfaces: The lot coverage, open space and impervious surfaces in Master Land Use Plans shall be shown on the Master Land Use Plan and approved by the Town Council.

14. Improvements to be Dedicated: The improvements to be dedicated to the Town or the North Carolina Department of Transportation shall be designated on the Master Land Use Plans and approved by the Town Council.

15. Sidewalks/Access to Highway 401: All proposed sidewalks and access to Highway 401 shall be shown on the Master Land Use Plan and approved by the Town Council.

16. Phases of Development: All proposed phases of development shall be shown or noted on the Master Land Use Plan and approved by the Town Council.

B. Process for Approval of Master Land Use Plans

1. Review by the Planning Board and Decision by the Town Council: The process for review and approval of a Master Land Use Plan is a quasi-judicial process. The process shall be the same as for all other Special Exceptions except that the Planning Board shall review each Master Land Use Plan and make a recommendation to the Town Council within forty-five (45) days of the filing of the application for issuance of a Special Exception as a Master Land Use Plan, and the Town Council shall render a decision on each Master Land Use Plan application within forty-five (45) days of receipt of the recommendation of the Planning Board.

2. Standards for Review and Issuance of a Master Land Use Plan Permit

a. Standards for Issuance of a Master Land Use Plan Permit. Each Master Land Use Plan shall be reviewed based upon the following criteria:

(1) The uses shown on the Master Land Use Plan will not materially endanger the public health or

safety if located where proposed and if developed according to the plan as submitted and approved;

- (2) The uses shown in the Master Land Use Plan are permitted in the zoning district in which the Master Land Use Plan is located;
- (3) The layout, design and uses of the Master Land Use Plan will not substantially injure the value of adjoining or abutting property;
- (4) The Master Land Use Plan is consistent with the Town's Comprehensive Plan; and
- (5) The location and character of the uses, if developed according to the Master Land Use Plan as submitted and approved, will be in harmony with the area in which it is to be located.

b. **Issuance or Denial of a Master Land Use Plan**

Permit Application. In the event the Town Council finds that a Master Land Use Plan satisfies the standards above, the Town Council shall approve a Special Exception for the Master Land Use Plan. In the event the Town Council should deny the Master Land Use Plan application and refuse to issue the Special Exception Permit, the Town Council shall state its reason(s) in writing.

C. Duration of the Master Land Use Plan Permit

1. A Master Land Use Plan shall be deemed to be a site specific development plan under N.C.G.S. §160A-385.1. In the event the Town Council approves a Master Land Use Plan and issues a Special Exception Permit for a Master Land Use Plan, the permit shall be valid for a period of at least two (2) years from the date of issuance. The Town Council, in its discretion, may determine that the Special Exception Permit for a Master Land Use Plan should be valid up to a period of five (5) years from the date of issuance in light of all relevant circumstances, including, but not limited to, the size of the development, the number and sizes of phases, the level of investment by the applicant, the need for or desirability of the development, the economic impact the development to the Town, economic cycles and market conditions.

Section 22. ADMINISTRATION AND ENFORCEMENT.

A. Duties of the Ordinance Administrator, Board of Adjustment, Town Council and Courts as to Ordinance Enforcement and

Matters of Appeal - It is the intention of this ordinance that all questions arising in connection with the enforcement of this ordinance shall be presented first to the ordinance administrator and that such questions shall be presented to the board of adjustment only on appeal from the ordinance administrator, and that from the decision of the board of adjustment recourse shall be had to courts as provided by law. It is further the intention of this ordinance that the duties of the town council in connection with the ordinance shall not include the hearing and passing upon disputed questions that may arise in connection with the enforcement thereof, but that the procedure for determining such questions shall be as herein set out in the ordinance, and that the duties of the town council in connection with this ordinance, shall be only the duty of considering and passing upon any proposed amendment or repeal of the ordinance as provided by law.

- B. Ordinance Administrator - The position of ordinance administrator is hereby created for the purpose of enforcement of this zoning ordinance. The ordinance administrator shall be appointed by the Louisburg Town Council, the length of term and compensation being determined by the town council.
- C. Zoning Permit Required - After the adoption of this zoning ordinance it shall be unlawful for any person to erect, move, or alter any structures, or to begin, extend, move or enlarge any use of the land, in the zoning Jurisdiction of the Town of Louisburg unless that person has been issued a zoning permit for the specific purposes found in this ordinance. Such permit shall be made on a cardboard substance 6" x 8" in size, and shall be displayed in a conspicuous place on the particular parcel of land which is being affected by the permit. A written record of the issuance of such a permit shall be kept on file in the office of the ordinance administrator; the permit shall contain the following information:
1. The name and address of the person who has applied for the permit.
 2. The street address of the property affected by the permit.
 3. The proposed action to be taken by the petitioner of the permit.

4. The date, seal, and signature of the ordinance administrator.

No zoning permit shall be issued unless the provisions of this ordinance have been adhered to, or unless the board of adjustment rules otherwise in writing.

D. Zoning Permit Application Procedure

1. Application for a zoning permit shall be made to the ordinance administrator.
2. The application shall consist of the submission of the plan of the site in duplicate showing the following information:
 - a) The actual shape and dimensions of the lot or parcel which is to be developed.
 - b) The exact sizes of all proposed and existing buildings within the site and surrounding it for fifty (50) feet on all sides drawn to scale.
 - c) The location of the parcel with reference to existing and proposed rights-of-way.
 - d) The areas that are set aside for off-street parking and off-street loading as such facilities are required by this ordinance.
 - e) Any other information which the ordinance administrator may deem necessary for his consideration in enforcing this ordinance.
 - f) The nature of the proposed use of the building or land, including the extent and location of the use on said lot.
 - g) Watershed site plan - 18.5.507 (9/27/93)
3. After the ordinance administrator has checked the application against the provisions of this ordinance and found said application to be in conformity, he shall issued a zoning permit to the applicant.

4. Upon issuance of the zoning permit the applicant will receive one (1) copy of the site plan, the other being retained by the ordinance administrator.
5. At this time the applicant will pay a fee of ten (\$10.00) dollars to the Town of Louisburg to cover administrative costs.
6. If the application for a zoning permit is denied by the ordinance administrator, the applicant may appeal the action to the Louisburg Board of Adjustment.

E. Fees.

1. Fees are to be charged as required under a schedule duly adopted by the Louisburg Town Council.
2. The following fee schedule is hereby established:

Zoning Permit -	Schedule
Rezoning -	Schedule
Special Exceptions -	Schedule

Board of Adjustment

Variance requests -	Schedule
Conditional Uses -	Schedule
Appeals -	Schedule

F. Certificate of Compliance

1. Upon the completion of a structure for which a zoning permit has been issued, the ordinance administrator shall go into the field and check to see that the provisions of this ordinance have been met.
2. The certificate of compliance shall indicate that the developer has complied with the provisions of this ordinance in reference to the property and action described on the zoning permit.

Section 23. BOARD OF ADJUSTMENT.

A. Board of Adjustment Created.

1. The Louisburg Board of Adjustment is hereby created. (Any reference to the "Board" shall mean the Louisburg Board of Adjustment.)
2. Membership on the Board - The board shall be composed of five (5) members, including three (3) residents of the Town of Louisburg and two (2) residents of the extraterritorial area. All members of the board shall have voting power on all matters of business. The town resident members of the board shall be appointed by the town council. Residents of the extraterritorial area shall be appointed by the Franklin County Commissioners. The members of the board will serve staggered terms of three (3) years each, with the exception of the first term. The first year the members shall be appointed as follows: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three years.
3. The board shall have a chairman appointed by the town council and shall have a secretary to keep appropriate records of the board's proceedings. The board shall adopt such procedural rules and regulations as it deems necessary. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or his/her absence or failure to vote, indicating such fact, and also keep records of its examination and any other official action.
4. Members of the board may be removed by action of the Louisburg Town Council. Removal may be for inefficiency, neglect of duty, or malfeasance in office, and such removal may only come after a public hearing concerning the action has been held.

B. Procedures of the Board of Adjustment.

1. It shall be the duty of the board of adjustment to take action on appeals to the decisions of the ordinance administrator; to hear and decide upon applications for conditional uses for the various districts; to hear and decide upon the granting of variances in the various districts; and to hear and decide requests for vested rights in accord with Article 3, Section 18 of this ordinance.

2. When the board overrules the decision of the ordinance administrator there must be at least four (4) of the five (5) members in favor of such action. The results of such a vote shall be transmitted to the ordinance administrator in writing before he shall issue a zoning permit for that particular case.
3. **Conditional Uses** - When considering a conditional use for a certain district the board shall make the following findings:
 - a. The proposed use will not endanger the public health, safety, and welfare.
 - b. The proposed use will not adversely affect surrounding properties in terms of value.
 - c. The proposed use will be in conformity with existing development within the area in question.
4. **Variances** - When considering a variance for a particular district the board shall make the following findings:
 - a. Special conditions and circumstances which exist are not the result of any actions on the part of the appellant, and such conditions are peculiar to that particular lot.
 - b. Literal application of the provisions of this ordinance would impose undue hardship upon the appellant, or would deprive him of the same rights enjoyed by other properties in the same zoning district.
 - c. Granting the variance would not confer special privileges to the appellant which are denied by this zoning ordinance to other properties and land owners in the same district.
 - d. Granting the variance would not endanger the public health, safety, and welfare.

5. Procedure for appeals to the board of adjustment concerning the decisions of the ordinance administrator, variances to the zoning ordinance, and establishment of conditional uses in particular zoning districts:
 - a. Appeals from the decisions of the ordinance administrator for the granting of variances and for the establishment of conditional uses may be taken to the Louisburg Board of Adjustment by any person aggrieved.
 - b. Appeals to the decisions of the ordinance administrator shall be taken up by the board within sixty (60) days of the first appeal.
 - c. The ordinance administrator shall be the official recipient of all appeals and shall transmit said appeals to the secretary of the board of adjustment within one (1) week after receipt of said appeals.
 - d. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, issued by the board of adjustment, or by a court of record.
 - e. The board of adjustment shall hold hearings at which specific appeals shall be heard, notice of said hearings being made public in at least two (2) of the following ways:
 - 1) Published in a newspaper of general circulation throughout the community;
 - 2) Posting signs concerning the hearing in the neighborhood which is affected;
 - 3) Sending written notices to all of the adjoining property owners.

In any of the three (3) methods of notice each should contain the time, date, and place of the

public hearing, and the property which will be affected.

f. The board shall vote according to the procedures set forth in Section 21 when instituting action to overrule the decisions of the ordinance administrator. Conditional use cases and variance cases shall require four (4) out of the five (5) members of the board of adjustment noting in favor of such action.

g. Any appeals to the decisions of the board of adjustment shall be taken to Franklin County Superior Court.

Section 24. AMENDMENTS.

The rules, regulations, provisions, and boundaries of this ordinance may be amended, supplemented, modified, or repealed by the following methods:

A. An amendment to this zoning ordinance may be submitted by any property owner in Louisburg, citizen of the Town of Louisburg, or by any member of the town council or by any member of the Louisburg Planning Board or the Board of Adjustment.

B. A proposed amendment shall be submitted to the Louisburg town clerk at least two (2) weeks prior to the regularly scheduled monthly meeting of the planning board. Upon receiving the proposal, the town clerk will refer it to the chairman of the planning board. The planning board will review each proposal for amendment with reference to the Louisburg Land Development Plan and in the light of changing conditions. Said proposal will then be transmitted to the town council with the planning board's recommendations. The recommendation shall be the statement as to the planning board's opinion, be it assent or dissent, concerning the proposed amendment, and the planning board shall give date and information on supporting its opinion.

C. Procedures which the town council shall follow when considering amendments to the zoning ordinance:

1. The town council shall give public notice and shall hold hearings concerning specific amendment proposals.
2. Notice of public hearing shall be given once a week for two (2) consecutive calendar weeks in a newspaper of general circulation in Louisburg, North Carolina. Said notice shall be published the first time not less than fifteen (15) days nor more than twenty-five (25) days prior to the date of the public hearing. Notice may (**amnd 10/12/92**) also be made by posting the property concerned with a poster indicating the proposed change and hearing.
- 2.5) Mailed Notices - NCGS 160a-384 "method of Procedure" shall be required prior to action affecting the classification or boundaries of any zoning district. (**9/27/93**)
3. Before taking such lawful action as it may deem advisable, the town council shall consider the planning board's recommendation on each proposed zoning amendment. If no recommendation is received from the planning board within thirty (30) days after public hearing by the town council, the proposed amendment shall be deemed to have been approved by the planning board. A simple majority of the town council shall be required to amend this ordinance. (**Amnd 2/07**)
4. In case, however, of a protest against such change signed by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage on opposite lots, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the town council.

No protest petition shall be valid unless it is:

- a. Written
- b. Bears the actual signatures of the requisite number of the property owners and states that they protest the proposed amendment, and
- c. Received by the municipal clerk in time to allow at least two (2) normal working days (excluding weekends and legal holidays) prior to the public hearing on the amendment, so as to allow time for municipal personnel to check the accuracy and sufficiency of the petition.

Denial

When an application for amendment or change is denied by the town council, a period of twelve (12) months must elapse before another application for the same property previously involved may be submitted.

Section 25. VIOLATION AND PENALTY.

Any person who violates any of the provisions of this ordinance, or who falsifies plans or statements filed thereunder, or who continues work on any building or structure after having received written notice to cease work from the ordinance administrator, shall be guilty of a misdemeanor which shall be punishable by a fine of \$50.00. Each day that a violation continues to take place shall be considered a separate and distinct offense and thereby punishable by a separate fine for each day. Notice of such violation shall be sufficient if directed to such owner, the agent of the owner, or the contractor, and left at his known place of residence or place of business.

Section 26. VALIDITY.

If any section, subsection, or portion of this zoning ordinance is held to be invalid or unconstitutional by the courts, such action shall not affect the remaining portions of the ordinance. Only that section, subsection, or portion thereof shall be considered invalid.

Section 27. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its passage and adoption.

Duly adopted by the Louisburg Town Council this the 14th day of March, 1977.

Moved by:

Seconded:

Mayor

Approved as to form:

(Town Attorney)

Attest:

(Town Clerk)

